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Readings in

AMERICAN
HISTORY

SECOND EDITION



VOLUME ONE · 1492 TO 1865

Edited by

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Preface

AS STATED IN THE ORIGINAL PREFACE, the primary purpose of this book is to provide an interesting and convenient source of collateral reading in American history for the period from 1492 to 1865. It will supplement any basic college or university text.

Edited especially for freshmen and sophomores, these readings attempt to combine interesting and informative secondary accounts with a limited number of documents and original narratives. Documents and original accounts are used when they fit into a general topic, thus gradually introducing the student to this type of historical material. Frequently men of business, literature, and politics speak for themselves. The emphasis, however, is on the writings of outstanding historians, past and present. In some chapters students will be able to enjoy selections from several prominent scholars, and it is our hope that students will be stimulated to explore further the fascinating subject of history.

This volume contains sixteen topical chapters with introductions designed to acquaint students with the subject upon which the readings center. The separate selections are connected by shorter introductions which maintain the theme of the chapter. Readers, therefore, will find a running account of the major subjects under discussion. Such an organization lends itself especially to the semester system—one chapter per week, except for the first and last week—and with some adjustment will fit into the quarter system.

Students should have no difficulty understanding and coordinating these readings, thus freeing the instructor from having to "teach" the material. Since there is a substantial body of reading around a specific topic, teachers will find it relatively easy to examine their students.

We hope that this approach to the problem of collateral readings, based upon our experience in teaching survey courses, will prove helpful to both students and instructors. This new edition is the result of conclusions reached by numerous users, both students and professors, of the first edition. The basic pattern has not been altered, but an effort has been made to omit less pertinent selections and replace them with what we believe to be more important material and to expand the offerings of recent historical writings.

We wish, again, to express our indebtedness to Professor Robert C. Cotner of the University of Texas, who originally initiated this project.

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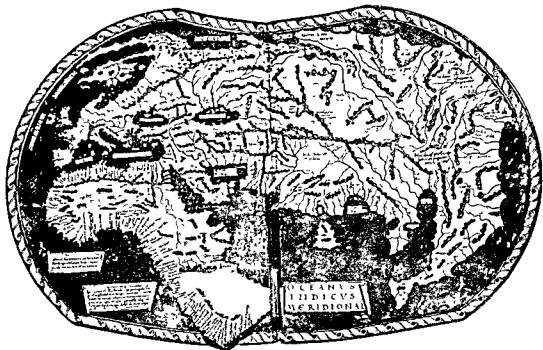
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Chapter One

The New World



World Map by Henricus Martellus Germanus, about 1489

THE CLOSING YEARS of the fifteenth century marked the beginning of an exciting period in world history. National states rose from the ruins of feudalism, while trade and commerce revived. It was a dawning age of exploration and discovery; before the next century arrived a new continent would be found.

Prior to this, however, Europeans were extremely ignorant of the earth's size and geography. Their knowledge of the Orient consisted primarily of Marco Polo's and other exaggerated accounts of fabulous wealth and splendor. Africa's Mediterranean shore and Nile Valley were somewhat more familiar, but even the larger part of Europe itself remained a mystery. North of the Baltic and Caspian seas lay a mass of unmapped land and west of England flowed the uncharted waters of the Atlantic. Although Aristotle and Cicero had suggested the existence of unknown continents beyond this ocean, some of the leading scholars at this time believed the Atlantic was merely a narrow sea separating

Spain from the Orient.

This error directly influenced the discovery of America. Monarchs of western Europe, chafing under the monopoly held by the Moslems and Italians over the trade of the Far East, were eager to find trade routes of their own. Christopher Columbus, who believed the distance to Japan to be a mere 2500 miles, was able to convince the Spanish sovereigns that he could reach the East by sailing westward. If he were successful, the cost of such an experiment would be slight indeed, compared to the possible returns.

Columbus set sail in three small, wooden ships. On October 12, 1492, after approximately seventy days at sea, he sighted land. Upon his return to Spain and a hero's welcome, the news that he had landed off the coast of China set Europe agog with excitement. Even when later exploration proved that, instead, a new continent had been discovered, public interest and enthusiasm mounted higher. An unknown world lay waiting to be claimed.

Then, as soon as their minds were reassured about us, every one came, men as well as women, so that there remained none behind, big or little; and they all brought something to eat and drink, which they gave with wondrous lovingness. They have in all the islands very many *canoas*, after the manner of rowing-galleys, some larger, some smaller; and a good many are larger than a galley of eighteen benches. They are not so wide, because they are made of a single log of timber, but a galley could not keep up with them in rowing, for their motion is a thing beyond belief. And with these, they navigate through all those islands, which are numberless, and ply their traffic. I have seen some of those *canoas* with seventy and eighty men in them, each one with his oar. In all those islands, I saw not much diversity in the looks of the people, nor in their manners and language; but they all understand each other, which is a thing of singular advantage for what I hope their Highnesses will decide upon for converting them to our holy faith, unto which they are well disposed. I have already told how I had gone a hundred and seven leagues, in a straight line from West to East, along the sea-coast of the Island of Juana; according to which itinerary, I can declare that that island is larger than England and Scotland combined; as over and above those hundred and seven leagues, there remained for me, on the western side, two provinces whereto I did not go—one of which they call Avan, where the people are born with tails—which provinces cannot be less in length than fifty or sixty leagues, according to what may be understood from the Indians with me, who know all the islands. This other, Española, has a greater circumference than the whole of Spain from Col[ibre in Catal] unya, by the sea-coast, as far as Fuente Ravia in Biscay; since, along one of its four sides, I went for a hundred and eighty-eight great leagues in a straight line from west to east. This is [a land] to be desired,—and once seen, never to be relinquished—in which (although, indeed, I have taken possession of them all for their Highnesses, and all are more richly endowed than I have skill and power to say, and I hold them all in the name of their Highnesses who can dispose thereof as much and as completely as of the kingdoms of Castile) in this Española, in the place most suitable and best for its proximity to the gold mines, and for traffic with the mainland both on this side and with that over there belonging to the Great Can, where there will be great commerce and profit,

I took possession of a large town which I named the city of Navidad. And I have made fortification there, and a fort (which by this time will have been completely finished) and I have left therein men enough for such a purpose, with arms and artillery, and provisions for more than a year, and a boat, and a [man who is] master of all seacraft for making others; and great friendship with the king of that land, to such a degree that he prided himself on calling and holding me as his brother. And even though his mind might change towards attacking those men, neither he nor his people know what arms are, and go naked. As I have already said, they are the most timorous creatures there are in the world, so that the men who remain there are alone sufficient to destroy all that land, and the island is without personal danger for them if they know how to behave themselves. It seems to me that in all those islands, the men are all content with a single wife; and to their chief or king they give as many as twenty. The women, it appears to me, do more work than the men. Nor have I been able to learn whether they held personal property, for it seemed to me that whatever one had, they all took share of, especially of eatable things. Down to the present, I have not found in those islands any monstrous men, as many expected, but on the contrary all the people are very comely; nor are they black like those in Guinea, but have flowing hair; and they are not begotten where there is an excessive violence of the rays of the sun. It is true that the sun is there very strong, although it is twenty-six degrees distant from the equinoctial line. In those islands, where there are lofty mountains, the cold was very keen there, this winter; but they endure it by being accustomed thereto, and by the help of the meats which they eat with many and inordinately hot spices. Thus I have not found, nor had any information of monsters, except of an island which is here the second in the approach to the Indies, which is inhabited by a people whom, in all the islands, they regard as very ferocious, who eat human flesh. These have many canoes with which they run through all the islands of India, and plunder and take as much as they can. They are no more ill-shapen than the others, but have the custom of wearing their hair long, like women; and they use bows and arrows of the same reed stems, with a point of wood at the top, for lack of iron which they have not. Amongst those other tribes who are excessively cowardly, these are ferocious; but I hold them as nothing more than the others.

These are they who have to do with the women of Matinino—which is the first island that is encountered in the passage from Spain to the Indies—in which there are no men. Those women practise no female usages, but have bows and arrows of reed such as above mentioned; and they arm and cover themselves with plates of copper of which they have much. In another island, which they assure me is larger than Española, the people have no hair. In this there is incalculable gold; and concerning these and the rest I bring Indians with me as witnesses. And in conclusion, to speak only of what has been done in this voyage, which has been so hastily performed, their Highnesses may see that I shall give them as much gold as they may need, with very little aid which their Highnesses will give me; spices and cotton at once, as much as their Highnesses will order to be shipped, and as much as they shall order to be shipped of mastic,—which till now has never been found except in Greece, in the island of Xio, and the Seignory sells it for what it likes; and aloe-wood as much as they shall order to be shipped; and slaves as many as they shall order to be shipped,—and these shall be from idolators. And I believe that I have discovered rhubarb and cinnamon, and I shall find that the men whom I am leaving there will have discovered a thousand other things of value; as I made no delay at any point, so long as the wind gave me an opportunity of sailing, except only in the town of Navidad till I had left things safely arranged and well established. And in truth I should have done much more if the ships had served me as well as might reasonably have been expected. This is enough; and [thanks to] Eternal God our Lord who gives to all those who walk His way, victory over things which seem impossible; and this was signally one such, for although men have talked or written of those lands, it was all by conjecture, without confirmation from eyesight, amounting only to this much that the hearers for the most part listened and judged that there was more fable in it than anything actual, however trifling. Since thus our Redeemer has given to our most illustrious King and Queen, and to their famous kingdoms, this victory in so high a matter, Christendom should have rejoicing therein and make great festivals, and give solemn thanks to the Holy Trinity for the great exaltation they shall have by the conversion of so many peoples to our holy faith; and next for the temporal benefit which will bring hither refreshment and profit, not only to Spain, but to all Christians.

This briefly, in accordance with the facts. Dated, on the caravel, off the Canary Islands, the 15 February of the year 1493.

At your command,
THE ADMIRAL

2. VERRAZANO'S REPORT TO THE KING OF FRANCE

In 1523, Francis I of France, doubtless hoping to use the profits of the oriental trade to finance his wars with the Hapsburg emperor, Charles V, engaged the services of a Florentine sailor, Giovanni Verrazano, to discover a new route to Asia. That summer Verrazano sailed westward, striking the coast of North America somewhere in the vicinity of Cape Fear (North Carolina). After heading south for a while he turned north, following the coast as far as Newfoundland. France's original claim was based on this voyage. The excerpt given below is Verrazano's account of the Carolina coast²

PURSUING OUR VOYAGE towards the West, a little northwardly, in twenty-four days more, having run four hundred leagues, we reached a new country, which had never before been seen by any one, either in ancient or modern times. At first it appeared to be very low, but on approaching it to within a quarter of a league from the shore we perceived, by the great fires near the coast, that it was inhabited. We perceived that it stretched to the south, and coasted along in that direction in search of some port, in which we might come to anchor, and examine into the nature of the country, but for fifty leagues we could find none in which we could lie securely. Seeing the coast still stretch to the South, we resolved to change our course and stand to the northward, and as we still had the same difficulty, we drew in with the land and sent a boat on shore. Many people who were seen coming to the sea-side fled at our approach, but occasionally stopping, they looked back upon us with astonishment, and some were at length induced, by various friendly signs, to come to us. These showed the greatest delight on beholding us, wondering at our dress, countenances and complexion. They then showed us by signs where we could more conveniently secure our boat, and offered us some of their provisions. That your Majesty may know all that we learned, while on shore, of their manners and customs of life, I

² *Sailors Narratives of Voyages along the New England Coast, 1524-1624* (Boston: Houghton Mifflin Co., 1905), pp. 4-9

will relate what we saw as briefly as possible. They go entirely naked, except that about the loins they wear skins of small animals like martens fastened by a girdle of plaited grass, to which they tie, all around the body, the tails of other animals hanging down to the knees; all other parts of the body and the head go naked. Some wear garlands similar to birds' feathers.

The complexion of these people is black, not much different from that of the Ethiopians; their hair is black and thick, and not very long, it is worn tied back upon the head in the form of a little tail. In person they are of good proportions, of middle stature, a little above our own, broad across the breast, strong in the arms, and well formed in the legs and other parts of the body; the only exception to their good looks is that they have broad faces, but not all, however, as we saw many that had sharp ones, with large black eyes and a fixed expression. They are not very strong in body, but acute in mind, active and swift of foot, as far as we could judge by observation. In these last two particulars they resemble the people of the east, especially those the most remote. We could not learn a great many particulars of their usages on account of our short stay among them, and the distance of our ship from the shore.

We found not far from this people another whose mode of life we judged to be similar. The whole shore is covered with fine sand, about fifteen feet thick, rising in the form of little hills about fifty paces broad. Ascending farther, we found several arms of the sea which make in through inlets, washing the shores on both sides as the coast runs. An outstretched country appears at a little distance rising somewhat above the sandy shore in beautiful fields and broad plains, covered with immense forests of trees, more or less dense, too various in colours, and too delightful and charming in appearance to be described. I do not believe that they are like the Hercynian forest or the rough wilds of Scythia, and the northern regions full of vines and common trees, but adorned with palms, laurels, cypresses, and other varieties unknown in Europe, that send forth the sweetest fragrance to a great distance, but which we could not examine more closely for the reasons before given, and not on account of any difficulty in traversing the woods, which, on the contrary, are easily penetrated.

As the Orient stretches around this country, I think it cannot be devoid of the same medicinal and aromatic drugs, and various riches of gold

and the like, as is denoted by the colour of the ground. It abounds also in animals, as deer, stags, hares, and many other similar, and with a great variety of birds for every kind of pleasant and delightful sport. It is plentifully supplied with lakes and ponds of running water, and being in the latitude of 34, the air is salubrious, pure and temperate, and free from the extremes of both heat and cold. There are no violent winds in these regions, the most prevalent are the north-west and west. In summer, the season in which we were there, the sky is clear, with but little rain: if fogs and mists are at any time driven in by the south wind, they are immediately dissipated, and at once it becomes serene and bright again. The sea is calm, not boisterous, and its waves are gentle. Although the whole coast is low and without harbours, it is not dangerous for navigation, being free from rocks and bold, so that within four or five fathoms from the shore there is twenty-four feet of water at all times of tide, and this depth constantly increases in a uniform proportion. The holding ground is so good that no ship can part her cable, however violent the wind, as we proved by experience; for while riding at anchor on the coast, we were overtaken by a gale in the beginning of March, when the winds are high, as is usual in all countries, we found our anchor broken before it started from its hold or moved at all.

We set sail from this place, continuing to coast along the shore, which we found stretching out to the west; the inhabitants being numerous, we saw everywhere a multitude of fires. While at anchor on this coast, there being no harbour to enter, we sent the boat on shore with twenty-five men to obtain water, but it was not possible to land without endangering the boat, on account of the immense high surf thrown up by the sea, as it was an open roadstead. Many of the natives came to the beach, indicating by various friendly signs that we might trust ourselves on shore. One of their noble deeds of friendship deserves to be made known to your Majesty. A young sailor was attempting to swim ashore through the surf to carry them some knick-knacks, as little bells, looking-glasses, and other like trifles; when he came near three or four of them he tossed the things to them, and turned about to get back to the boat, but he was thrown over by the waves, and so dashed by them that he lay as it were dead upon the beach. When these people saw him in this situation, they ran and took him up by the head, legs and arms, and

carried him to a distance from the surf; the young man, finding himself borne off in this way, uttered very loud shrieks in fear and dismay, while they answered as they could in their language, showing him that he had no cause for fear. Afterwards they laid him down at the foot of a little hill, when they took off his shirt and trowsers, and examined him, expressing the greatest astonishment at the whiteness of his skin. Our sailors in the boat seeing a great fire made up, and their companion placed very near it, full of fear, as is usual in all cases of novelty, imagined that the natives were about to roast him for food. But as soon as he had recovered his

strength after a short stay with them, showing by signs that he wished to return aboard, they hugged him with great affection, and accompanied him to the shore, then leaving him, that he might feel more secure, they withdrew to a little hill, from which they watched him until he was safe in the boat. This young man remarked that these people were black like the others, that they had shining skins, middle stature, and sharper faces, and very delicate bodies and limbs, and that they were inferior in strength, but quick in their minds; that is all that he observed of them.

II

English Colonization

THE UNITED STATES grew out of the colonies established by England, thus the forces which influenced her actions are of special interest to the student of American history. As early as 1497 Henry VII contracted with John Cabot for a western expedition which touched at Nova Scotia and Newfoundland, establishing a claim to North America. Yet almost one hundred years passed before an effort was made to follow up his discovery. At the time of Cabot's voyage England was a small and poor country. For his services Cabot was rewarded with an un princely pension of only £10 a year. England was also confronted by two powerful enemies, France and Spain. However, Henry VIII was able to build up the royal navy while keeping a wary eye on the Continent, and by the time of Elizabeth's reign, England was strong enough to feel she should take an active part in the race to acquire colonies. Spain had reaped too great a profit from hers to overlook this source of possible wealth.

1. MOTIVES FOR COLONIZATION

Men of widely diverse backgrounds sparked the colonization movement. One of them was the Reverend Richard Hakluyt who played his part by compiling the great collection of Navigations, Voyages and Discoveries of the English Nation in order to excite his countrymen's ambition. In the following selection, "Discourse of Western Planting," written at the request of Sir Walter Raleigh, he listed for the royal government the benefits colonization would bring to the nation.³

³"The Original Writings and Correspondence of the Two Richard Hakluyts." The Hakluyt Society, Works (London, 1935), II, Second Series, No 77, pp. 211-215. Used by courtesy of the Hakluyt Society.

1. THAT THIS WESTERNE discoverie will be greatly for thinfargement of the gospell of Chryste whereunto the Princes of the reformed religion are chiefly bounde amongst whome her ma^{tie} [Majesty] ys principall.

2. That all other englishe Trades are growen beggerly or dangerous, especially in all the kinge of Spayne his Domynions, where our men are dryven to flinge their Bibles and prayer Bokes into the sea, and to forswear and renounce their religion and conscience and consequently theyr obedience to her Ma^{tie}.

3. That this westerne voyadge will yelde unto us all the commodities of Europe, Africa, and Asia, as far as wee were wonte to travell, and supply the wantes of all our decayed trades.

4. That this enterprise will be for the manifolde imploymente of nombers of idle men, and for breeding of many sufficient, and for utterance of the greate quantitie of the commodities of our Realme.
5. That this voyage will be a great bridle to the Indies of the kinge of Spaine and a meane that wee may arreste at our pleasure for the space of tenne weekes or three monethes every yere, one or two hundred saile of his subjectes shippes at the fysshinge in Newfounde lande.
6. That the mischefe that the Indian Threasure wrought in time of Charles the late Emper^r father to the Spanishe kinge, is to be had in consideration of the Q. moste excellent Ma^{tie}, leaste the contynuall commynge of the like threasure from thence to his sonne, worke the unrecoverable annoye of this Realme, whereof already wee have had very dangerous experience. . . .
8. That the lymites of the kinge of Spaines domynions in the west Indies be nothinge so large as ys generally ymaged and surmised, neither those partes w^{ch} he holdeth be of any such forces as ys falsly geven oute by the popishe Clergye and others . . . , to terrifie the Princes of the Relligion and to abuse and blynde them. . . .
11. That the Spaniardes have executed most outragious and more than Turkishe cruelties in all the west Indies, whereby they are every where there, become moste odious unto them, who woulde joyne wth us or any other moste willingly to shake of their moste intollerable yoke, and have begonne to doo it already in dyvers places where they were Lordes heretofore. . . .
13. That hereby the Revenewes and customes of her Ma^{tie} bothe outwarde and inwardes shall mightely be enlarged by the toll, excises, and other dueties w^{ch} wthoute oppression may be raised.
14. That this action will be greatly for thyncrease, mayneteynaunce and safetie of our Navye, and especially of greate shippinge w^{ch} is the strenghte or our Realme, and for the supportation of all those occupacions that depende upon the same.
15. That spedie plantinge in divers fitt places is moste necessarie upon these luckye westerne discoveries for feare of the daunger of being prevented by other nations w^{ch} have the like intentions. . . .
17. That by these Colonies the Northwest passage to Cathaio and China may easely quickly and perfectly be searched oute aswell by river and overlande, as by sea. . . .

18. That the Queene of Englande title to all the west Indies, or at the leaste to as moche as is from Florida to the Circle articke, is more lawfull and righte then the Spanardes or any other Christian Princes. . . .

2. ENGLAND AT THE TIME OF COLONIZATION

While international rivalry and national pride were important in the drive for overseas expansion, the most pressing forces were English religious, social and economic conditions in the sixteenth and seventeenth centuries. Some of these factors are discussed in the following selection from Professor Louis M. Hacker's book, The Shaping of the American Tradition.⁴

THE ENGLISH HOMELAND of most of the original settlers was also undergoing a transforming process, and because this was so, many dislocations were occurring. On the one hand, while feudalism was gone, part of its authoritarian patterns remained. On the other hand, the new England that was emerging — an England of commercialized agriculture, mercantile expansion, industrialization, all under the authority of a powerful and centralized state apparatus — was producing its own disequilibriums. Some of the settlers left in flight from the old England; some left to escape from the new; others were rejected by England altogether, and were virtually deported. It was no wonder that so many of England's institutions were left behind when the settlers came to create a new civilization in the Western World.

In sixteenth century England, the attack on one of the most important of the feudal hangovers began to take place — that of the village organization of agriculture. Since the fourteenth century, the great majority of the rural dwellers had been freed from serfdom; but the living and the techniques of the manorial system had continued to exist. Country folk dwelt in compact villages and functioned not in terms of family farms but in those of the open-field system. Freeholders were few and have always remained few in England. Most of the agricultural workers were either copyholders — hereditary tenants whose rents were fixed at least for one life — or laborers, who worked for wages. Whether freeholders, copyholders, or laborers — as under

⁴ Louis M. Hacker, *The Shaping of the American Tradition* (New York: Columbia University Press, 1947), pp. 8-14. Used by permission of the publisher.

feudalism — the countryman possessed rights in a large number of scattered strips lying in open fields. These he cultivated in terms of the planting program of the whole village, which was generally a three-crop rotation (wheat, oats or barley, and fallow). In addition to these controls, there was a second characteristic of the village system: the countryman had rights in the common lands, which belonged to the village and were communally managed. In these commons (made up usually of meadow, waste, and wood lot), the countryman cut hay for winter forage for his livestock and turf and timber for his fuel and buildings. In England, the squire or landlord was also an operating farmer and along with the freeholders and copyholders he cultivated his strips all over the open fields of the village. The laborers worked for him but supplemented their meager livelihoods from their rights in the commons.

It was this scheme of things that was increasingly falling under attack in the sixteenth century. It came to be called the enclosure movement, largely because enterprising landlords were seeking to eliminate the commons and enclose them. But another and equally important part of the program had to do with combination of field strips into unified farming properties. And still a third part was directed against the traditional rights of the copyholders. That is to say, landlords sought to raise rent in violation of the customary arrangement; or they raised the alienation fine (the charge that had to be paid when the copyhold passed from father to son); or they evicted the copyholders altogether.

This enclosure movement — which was usually carried out illegally — began to shake the foundations of the old England. The consolidation of fields and the elimination of the commons led to the squeezing out of the small operators and the laborers, or cottagers. Agricultural properties were therefore becoming increasingly concentrated and copyholders were being turned into tenants at will, or leaseholders in our modern sense. Second, the countryside was becoming overpopulated. This was partially due to the fact that the large landlords, on their consolidated holdings, were more efficient than had been the many small cultivators. But even more important was the fact that arable land was being converted into pasture and, instead of the small grains being grown exclusively, Englishmen more and more were turning to the breeding of sheep. And sheep husbandry required fewer human hands than did the old system. The

roads of England were being filled with dispossessed and unwanted countrymen — the vagabonds and beggars about whom the English penal code was so savage. It was about the sad lot of these unfortunates that Thomas More cried out in that memorable passage in his *Utopia*: Sheep "that were wont to be so myke and tame, and so smal eaters, now, as I heare saie, be become so greate devowerers, and so wyld, that they eat up and swallow down the very men themselves."

This commercialized agriculture, and its unhappy social consequences, turned England more and more to the development of a mercantile economy. The expanding European market — in the Low Countries, the north German communities, Italy — clamored for wool and for white (or undressed and undyed) woolen cloths. England at once became the leading source for the raw-material and semimanufactured supplies of the European woolen textile centers. Thanks to the aggressiveness of a regulated company of individual English merchants, the so-called Merchants Adventurers, by the sixteenth century, English white woollens were dominating the northern European markets; and in the seventeenth century, these white woollens as well as finished cloths were to be found in the Levantine centers. The profits from this trade did much to help English business enterprise to mature.

Its greater participation in foreign trade brought sizable portions of Europe's augmented money stocks into England. Prices moved up — at first slowly and then very rapidly. Businessmen made profits — in fact great profits, so that here existed a capital fund for the launching of new mercantile and also industrial adventures. While prices sharply rose in England (from 1501 to 1650, they increased something like 250 percent), significantly enough, wages lagged behind. By 1700, real wages were only 50 percent of what they had been in 1500. As a result, this great price revolution was accompanied by a profit inflation in view of the fact that at least half of the costs of production at the time was represented by wage payments.

England was able to expand her Far Eastern trade; and the profit inflation contributed mightily to the appearance of her first industrial revolution and the start of her heavy industries in the sixteenth and seventeenth centuries. A new ebullience filled the land. Agricultural productivity was being stepped up. Oversea commerce was growing by leaps and bounds. Towns

were pushing out into the countryside. And heavy industry—in coal, iron, lead mining, the metallurgical trades, salt and glass manufacture, soap and alum making, building-material fabrication—was beginning to utilize large capital funds for factories, machinery, and the hire of tens of thousands of wage workers. In the middle of the seventeenth century the smoke from coal furnaces hung like a pall over London. . . .

Oversea trade grew, helped and protected by the English crown. Two types of organization were employed in the exploitation of foreign commerce—the regulated company and the joint-stock company. . . . The joint-stock company was more like our contemporary corporation, for the capital fund was raised from a general subscription and management was in the hands of a governor, treasurer, and board of assistants (or directors). The only difference between the original joint-stocks and our modern corporations is the fact that limited liability did not become a safeguard for investors until the nineteenth century. In another and even more important sense, these companies were unlike modern-day firms; for whether a regulated or a joint-stock company, each had the exclusive right to trade in the particular geographical region to which it had been assigned by the crown. . . . Outstanding joint-stock companies were the East India Company, the African Company, and the Hudson's Bay Company. One may observe that these exclusive trading privileges continued right into the early nineteenth century. . . .

As England rose in mercantile stature, her population and wealth also increased. . . . The beginning of the seventeenth century saw the English population consisting of 4,000,000 souls; in a century, they numbered 8,000,000; and by 1750, 10,000,000. The national wealth stood at £17,000,000 in 1600 and at £88,000,000 in 1688.

The effects of these various processes on the social map of England were profound. A new middle class was appearing and expanding, with one foot firmly planted in the country and the other in the towns. In it were to be found the improving landlords, the mine owners, the new industrialists, the monopolists. These were the enterprisers in foreign trade, the private bankers and the leaders in the domestic wholesale business. . . . Again, the gulf between the new middle class and the humble countrymen, artisans, and common laborers was widening. A large laboring force was springing up—because of enclosures, sheep raising, guild exclusionism—

and its members were becoming wage earners in industry and sailors and fishermen in the growing merchant marine. In the seventeenth and eighteenth centuries, from these urban and rural folk, were coming the tens of thousands of men, women, and children—out of England, Scotland, Ulster—who sought the hazard of new fortunes in America.

The political-economic and moral climate out of which the settlers of America came was profoundly influenced by the nature and requirements of the absolute state. Political authoritarianism and royal absolutism were two sides of the same shield. The royal monarch was supreme; and the state apparatus he erected and maintained—through a nationalized church, a court nobility, a mercenary army, a great corps of functionaries and bureaucrats—had as its purpose the perpetuation of dynastic power. This dynastic state-power was linked with the concept of national self-sufficiency. According to the men of the sixteenth, seventeenth, and eighteenth centuries, the wealth of the world was fixed; if England was to prosper, Holland or Spain or France (or all three together) had to be compelled to surrender their possessions. The wars of the period were therefore both dynastic and commercial struggles: so that trading areas could be expanded and the limits of the area of self-sufficiency pushed out.

Not only was the wealth of the world fixed; the wealth of each nation was derived from its foreign trade. Colonies therefore had to be safeguarded against foreign encroachments and permitted to develop only as their economics complemented those of the mother country. In the second place, a nation's foreign trade could expand—at the expense of its rivals—only as it kept its costs of production at home at low levels. The wealth of the nation was to be found in its labor supply engaged in the production of goods and services for export; and the size, docility, and poverty of its workers (the period referred to them collectively as "The Poor") made possible the riches of the whole body politic. . . .

Out of such a background, the settlers of the New World emerged; part of Europe's tradition and institutions they left behind, part they carried along with them as a living heritage. They were escaping from the tyranny of an authoritarian state and an authoritarian church: the separation of Church and State was one of America's important contributions to the concept of liberty. They were escaping from the

tyranny of the village and the restrictions of the guild system. They were escaping from engrossing landlords and mercantile and industrial monopolists. They were escaping from a morality which debased the common man and made him the victim of a theory of political-economic power that linked the wealth of the nation with his own poverty. The European villages, guilds, copyhold tenures, and monopolies were not carried across the seas.

Yet the settlers, notably the English, came with a heavy intellectual and institutional baggage, even if their purses and packs were light. They brought Protestantism, which invested with dignity the individual and his rationality and made his personal striving the basis of a Christian life. They brought the Rule of Law, to defend men and their minds from the oppression of a royal prerogative and the awful authority of star chamber and inquisitorial courts. Judiciaries were to be free bodies engaged in protecting the rights and liberties of the citizens. They brought the doctrine of the higher law — that the law of God and of nature was superior to those emanating from human authority — and later, they were to write this principle into the Declaration of Independence. They brought a constitutional theory based on popular sovereignty and the supremacy of the legislature. The English Constitution, representative government, trial by jury, free speech, a free press,

religious toleration and freedom, local self-government, the sanctity and freedom of private property; these were some of the ideas and ideologies that did cross the ocean to take firm root in America.

What they brought was largely, although not entirely, derived from the English cultural pattern. A passion for the land and a close identification with it was northern European rather than English in origin. The idea of group loyalty came with the Irish and the Scotch-Irish. Dutch, Swedish, and German architecture, household furnishings, cookery, and words were also transplanted in America. But for the most part the forms of living and acting together were English in origin. Why was this? Most important, of course, was the fact that the English-speaking groups made up the great majority of the settlers in the seventeenth century. In the eighteenth century, the Germans, who emigrated in such large numbers, came from a disunited land in which there were no common experiences of nation or people; and they came as the victims of persecution, war, and starvation. In the second place, particularly in the eighteenth century as a result of the tightening of the Mercantilist system, economic — and also, intellectual and social — intercourse was with the United Kingdom exclusively. English thinking, English books, English manners and habits therefore continued as living forces.

III

Life in the First English Colonies

THE UNSUCCESSFUL colonizing attempts by Sir Humphrey Gilbert and his half-brother, Sir Walter Raleigh, did little to prepare later settlers for their life in America. Consequently they were poorly prepared to meet and cope with the conditions which faced them. This was pathetically true of the settlements at Jamestown in 1607 and at Plymouth in 1620. The former, with quick profit as its immediate aim, was handicapped by the very nature of its inhabitants, who were chosen for their love of adventure rather than their pioneering ability. In the latter its people came with the intention of establishing homes, but instead of landing, as they expected, in settled Virginia, they found themselves on the bleak shores of Massachusetts in December.

1. CAPTAIN JOHN SMITH AT JAMESTOWN

The settlers in Virginia were not farmers. Instead they spent their time hunting gold, searching for a water passage to India and trying to manufacture pitch, tar, and glass. None of these enterprises was successful. Also the distance made it impossible to depend on England for food, and only trade with the Indians enabled the colony to survive. Soon, however, the Indians became an even greater menace than starvation. In the following excerpt Captain John Smith, largely responsible for saving Jamestown from both enemies, vividly portrayed life in the early days of England's first permanent American settlement.⁵

THE NEXT DAY all receiued the Communion, the day following the Salvages voluntarily desired peace, and Captaine *Newport* returned for England with newes; leaving in Virginia 100. the 15 of June 1607. . . .

Being thus left to our fortunes, it fortunued that within ten dayes scarce ten amongst vs could either goe, or well stand, such extreame weaknes and sicknes oppressed vs. And thereat none need marvaile, if they consider the cause and reason, which was this.

Whilst the ships stayed, our allowance was somewhat bettered, by a daily proportion of Bisket, which the sailers would pilfer to giue, or exchange with vs, for money, Saxefras, furrer, or loue. But when they departed, there remained neither taverne, beere house, nor place of reliefe,

but the common Kettell. Had we beene as free from all sinnes as gluttony, and drunkennesse, we might haue been canonized for Saints; But our President would never haue beene admitted, for ingrossing to his private, Oatmeale, Sacke, Oyle, *Aquavita*, Beefe, Egges, or what not, but the Kettell; that indeed he allowed equally to be distributed, and that was halfe a pint of wheat, and as much barley boyled with water for a man a day, and this having fryed some 26. weekes in the ships hold, contained as many wormes as graines; so that we might truely call it rather so much bran than corne, our drinke was water, our lodgings Castles in the ayre.

With this lodging and dyet, our extreame toile in bearing and planting Pallisadoes, so strained and bruised vs, and our continuall labour in the extremitie of the heat had so weakned vs, as were cause sufficient to haue made vs as miserable in our natieue Countrey, or any other place in the world.

From May, to September, those that escaped, liued vpon Sturgeon, and Sea-crabs, fittie in this time we buried, the rest seeing the Presidents projects to escape these miseries in our Pinnacle by flight (who all this time had neither felt want nor sickness) so moved our dead spirits, as we deposed him; and established *Ratcliffe* in his place, (*Gosnoll* being dead) *Kendall* deposed. *Smith* newly recovered, *Martin* and *Ratcliffe* was by his care preserved and relieued, and the most of the souldiers recovered with the skillfull diligence of Master *Thomas Wotton* our Chirurgical generall.

But now was all our provision spent, the Sturgeon gone, all helps abandoned, each houre ex-

⁵ "The Settlement of Jamestown," *Old South Leaflets*, Number 167. Used by courtesy of the Old South Association Boston.

pecting the fury of the Salvages; when God the patron of all good indeavours, in that desperate extremitie so changed the hearts of the Salvages, that they brought such plenty of their fruits, and provision, as no man wanted.

And now where some affirmed it was ill done of the Councell to send forth men so badly provided, this incontestable reason will shew them plainly they are too ill advised to nourish such ill conceits; first, the fault of our going was our owne, what could be thought fitting or necessary we had, but what we should find, or want, or where we should be, we were all ignorant, and supposing to make our passage in two moneths, with victuall to live, and the advantage of the spring to worke, we were at Sea five moneths, where we both spent our victuall and lost the opportunitie of the time and season to plant, by the vnskillfull presumption of our ignorant transporters, that vnderstood not at all, what they vndertookey.

Such actions haue ever since the worlds beginning bene subject to such accidents, and every thing of worth is found full of difficulties: but nothing so difficult as to establish a Common wealth so farre remote from men and meanes, and where mens mindes are so vntoward as neither doe well themselves nor suffer others. But to proceed.

The new President, and *Martin*, being little beloved, of weak judgement in dangers, and lesse industrie in peace, committed the managing of all things abroad to Capitaine *Smith*: who by his owne example, good words, and faire promises, set some to mow, others to binde thatch, some to build houses, others to thatch them, himselfe always bearing the greatest taske for his owne share, so that in short time, he provided most of their lodgings, neglecting any for himselfe.

This done, seeing the Salvages superfluitie beginne to decrease (with some of his workemen) shipped himselfe in the Shallop to search the Country for trade. The want of the language, knowledge to manage his boat without sailes, the want of a sufficient power (knowing the multitude of the Salvages), apparell for his men, and other necessities, were infinite impediments; yet no discouragement.

Being but six or seauen in company he went downe the river to *Kecoughtan*: where at first they scorned him, as a famished man; and would in derision offer him a handfull of Corne, a peece of bread, for their swords and muskets, and such like proportions also for their apparell. But

seeing by trade and courtesie there was nothing to be had, he made bold to try such conclusions as necessitie intorced, though contrary to his Commission: Let fly his muskets, ran his boat on shore; whereat they all fled into the woods.

So marching towards their houses, they might see great heapes of corne: much adoe he had to restraints his hungry souldiers from present taking of it, expecting as it hapned that the Salvages would assault them, as not long after they did with a most hydeous noyse. Sixtie or seaventie of them, some blacke, some red, some white, some party-coloured, came in a square order, singing and dauncing out of the woods, with their *Okee* (which was an Idoll made of skinnes, stuffed with mosse, all painted and hung with chaines and copper) borne before them: and in this manner, being well armed with Clubs, Targets, Bowes and Arrowes, they charged the English, that so kindly receiued them with their muskets loaden with Pistoll shot, that downe fell their God, and divers lay sprauling on the ground; the rest fled againe to the woods, and ere long sent one of their *Quiyoughkasoucks* to offer peace, and redeeme their *Okee*.

Smith told them, if only six of them would come vnarmed and loaden his boat, he would not only be their friend, but restore them their *Okee*, and giue them Beads, Copper, and Hatchets besides: which on both sides was to their contents performed: and then they brought him Venison, Turkie, wild foule, bread, and what they had; singing and dauncing in signe of friendship till they departed.

In his returne he discovered the Towne and Country of *Warraskoyack*.

*Thus God vnboundlesse by his power,
Made them thus kind, would vs deuour.*

Smith perceiving (notwithstanding their late miserie) not any regarded but from hand to mouth: (the company being well recovered) caused the Pinnacle to be provided with things fitting to get provision for the yeare following; but in the interim he made 3. or 4. iournies and discovered the people of *Chickahamania*: yet what he carefully provided the rest carelessly spent.

Wingfield and *Kendall* liuing in disgrace, seeing all things at randome in the absence of *Smith*, the companies dislike of their Presidents weakness, and their small loue to *Martins* never mending sicknes, strengthened themselves with the sailers and other confederates, to regaine

their former credit and authority, or at least such meanes aboard the Pinnacle, (being fitted to saile as *Smith* had appointed for trade) to alter her course and to goe for *England*.

Smith vnexpectedly returning had the plot discovered to him, much trouble he had to prevent it, till with store of sakre and musket shot he forced them stay or sinke in the riuier: which action cost the life of captaine *Kendall*.

These brawles are so disgustfull, as some will say they were better forgotten, yet all men of good judgement will conclude it were better their basenes should be manifest to the world, then the busines beare the scorne and shame of their excused disorders.

The President and captaine *Archer* not long after intended also to haue abandoned the country, which project also was curbed, and suppressed by *Smith*.

The *Spaniard* never more greedily desired gold then he victuall; nor his souldiers more to abandon the Country, then he to keepe it. But finding plentie of Corne in the riuier of *Chichahamania*, where hundreds of Salvages in diuers places stood with baskets expecting his coming.

And now the winter approaching, the rivers became so covered with swans, geese, duckes, and cranes, that we daily feasted with good bread, Virginia pease, pumpions, and putchamins, fish, fowle, and diuerse sorts of wild beasts as fat as we could eate them; so that none of our Tuftaffaty humorists desired to goe for *England*.

But our *Comaedics* never endured long without a *Tragedie*; some idle exceptions being muttered against Captaine *Smith*, for not discovering the head of *Chichahamania* river, and taxed by the Councell, to be too slow in so worthy an attempt. The next voyage hee proceeded so farre that with much labour by cutting of trees insunder he made his passage; but when his Barge could passe no farther, he left her in a broad bay out of danger of shot, commanding none should goe a shore till his returne: himselfe with two English and two Salvages went vp higher in a Canowe; but hee was not long absent, but his men went a shore, whose want of government gaue both occasion and opportunity to the Salvages to surprise one *George Cassen*, whom they slew, and much failed not to haue cut of the boat and all the rest.

Smith little dreaming of that accident, being got to the marshes at the rivers head, twentie myles in the desert, had his two men slaine (as is supposed) sleeping by the Canowe, whilst himselfe by fowling sought them victuall: who find-

ing he was beset with 200. Salvages, two of them hee slew, still defending himselfe with the ayd of a Salvage his guid, whom he bound to his arme with his garters, and vsed him as a buckler, yet he was shot in his thigh a little, and had many arrowes that stucke in his cloathes but no great hurt, till they tooke him prisoner.

When this newes came to *Iames* towne, much was their sorrow for his losse, fewe expecting what ensued.

Sixe or seuen weekes those Barbarians kept him prisoner, many strange triumphes and coniurations they made of him, yet hee so demeaned himselfe amongst them, as he not onely diuerted them from surprising the Fort, but procured his owne libertie, and got himselfe and his company such estimation amongst them, that those Salvages admired him more then their owne *Quiyouckosucks*.

The manner how they vsed and deliuered him, is as followeth.

The Salvages hauing drawne from *George Cassen* whether Captaine *Smith* was gone, prosecuting that opportunity they followed him with 300. bowmen, conducted by the King of *Pamavnekee*, who in diuisions searching the turnings of the riuier, found *Robinson* and *Emry* by the fire side: these they shot full of arrowes and slew. Then finding the Captaine, as is said, that vsed the Salvage that was his guide as his shield (three of them being slaine and diuers other so gauld) all the rest would not come neere him. Thinking thus to haue returned to his boat, regarding them, as he marched, more than his way, slipped vp to the middle in an oasie creeke and his Salvage with him; yet durst they not come to him till being neere dead with cold, he threw away his armes. Then according to their composition they drew him forth and led him to the fire, where his men were slaine. Diligently they chafed his benumbed limbs.

He demanding for their Captaine, they shewed him *Opechankanough*, king of *Pamavnekee*, to whom he gaue a round Ivory double compass Dyall. Much they marvailed at the playing of the Fly and Needle, which they could see so plainly, and yet not touch it because of the glasse that covered them. But when he demonstrated by that Globe-like Iewell, the roundnesse of the earth, and skies, the spheare of the Sunne, Moone, and Starres, and how the Sunne did chase the night round about the world continually; the greatness of the Land and Sea, the diversitie of Nations, varietie of complexions, and how we were to them *Antipodes*, and many other such

like matters, they all stood as amazed with admiration.

Notwithstanding, within an houre after they tyed him to a tree, and as many as could stand about him prepared to shoot him: but the King holding vp the Compass in his hand, they all laid downe their Bowes and Arrowes, and in a triumphant manner led him to *Orapaks*, where he was after their manner kindly feasted, and well vsed.

Their order in conducting him was thus; Drawing themselves all in fyle, the King in the middest had all their Peeces and Swords borne before him. Captaine *Smith* was led after him by three great Salvages, holding him fast by each arme: and on each side six went in fyle with their Arrowes nocked. But arriving at the Towne (which was but onely thirtie or fortie hunting houses made of Mats, which they remoue as they please, as we our tents) all the women and children staring to behold him, the souldiers first all in fyle performed the forme of a *Bissone* so well as could be; and on each flanke, officers as Serieants to see them keep their orders. A good time they continued this exercise, and then cast themselves in a ring, dauncing in such severall Postures, and singing and yelling out such hellish notes and screeches; being strangely painted, every one his quiver of Arrowes, and at his backe a club; on his arme a Fox or an Otters skinne, or some such matter for his vambrace; their heads and shoulders painted red, with Oyle and *Pocones* mingled together, which Scarlet-like colour made an exceeding handsome shew; his Bow in his hand, and the skinne of a Bird with her wings abroad dryed, tyed on his head, a peece of copper, a white skell, a long feather, with a small rattle growing at the tayles of their snaks tyed to it, or some such toy. All this while *Smith* and the King stood in the middest guarded, as before is said: and after three dances they all departed. . . .

Two dayes after a man would haue slaine him (but that the guard prevented it) for the death of his sonne, to whom they conducted him to recover the poore man then breathing his last. *Smith* told them that at *James* towne he had a water would do it, if they would let him fetch it, but they would not permit that: but made all the preparations they could to assault *James* towne, crauing his advice; and for recompence he should haue life, libertie, land, and women. In part of a Table booke he writ his minde to them at the Fort, what was intended, how they should follow that direction to affright the messengers,

and without fayle send him such things as he writ for. And an Inventory with them. The difficultie and danger, he told the Salvages, of the Mines, great gunnes, and other Engins exceedingly affrighted them, yet according to his request they went to *James* towne, in as bitter weather as could be of frost and snow, and within three dayes returned with an answer.

But when they came to *Jame* towne, seeing men sally out as he had told them they would, they fled; yet in the night they came againe to the same place where he had told them they should receiue an answer, and such things as he had promised them: which they found accordingly, and with which they returned with no small expedition, to the wonder of them all that heard it, that he could either divine, or the paper could speake. . . .

At last they brought him to *Meronocomoco*, where was *Powhatan* their Emperor. . . . At his entrance before the king, all the people gaue a great shout. The Queene of *Appamatuck* was appointed to bring him water to wash his hands, and another brought him a bunch of feathers, in stead of a Towell to dry them: having feasted him after their best barbarous manner they could, a long consultation was held, but the conclusion was, two great stones were brought before *Powhatan*: then as many as could layd hands on him, dragged him to them, and thereon laid his head, and being ready with their clubs, to beate out his braines, *Pocahontas* the Kings dearest daughter, when no intreaty could prevaile, got his head in her armes, and laide her owne vpon his to saue him from death: whereat the Emperour was contented he should liue to make him hatchets, and her bells, beads, and copper. . . .

Two dayes after, *Powhatan* having disguised himselfe in the most fearfullest manner he could, caused Captain *Smith* to be brought forth to a great house in the woods, and there vpon a mat by the fire to be left alone. Not long after from behinde a mat that divided the house, was made the most dolefullest noyse he ever heard; then *Powhatan* more like a devill then a man, with some two hundred more as blacke as himselfe, came vnto him and told him now they were friends, and presently he should goe to *James* towne, to send him two great gunnes, and a gryndstone, for which he would giue him the Country of *Capahowosick*, and for ever esteeme him as his sonne *Nantaquoud*.

So to *James* towne with 12 guides *Powhatan* sent him. That night they quartered in the

woods, he still expecting (as he had done all this long time of his imprisonment) every houre to be put to one death or other: for all their feasting. But almightie God (by his divine providence) had mollified the hearts of those *Barbarians* with compassion. . . .

2. THE PILGRIMS AT PLYMOUTH

A classic in American history is Governor William Bradford's account of the suffering and hardships endured by the 102 passengers who landed at Plymouth. The Indians were few in the vicinity, fortunately, but by March, 1621, nearly half of the settlers were dead from exposure and scurvy. The excerpt printed here is a modern English version of Bradford's History of Plimmoth Plantation.⁶

THE REST OF THIS WORK — if God give me life and opportunity — I shall, for brevity's sake, handle in the form of Annals, noting only the principal doings, chronologically.

First, I will turn back a little, and begin with a compact or deed drawn up by them before they went ashore to settle, constituting the first foundation of their government. This was occasioned partly by the discontented and mutinous speeches that some of the strangers amongst them had let fall: that when they got ashore they would use their liberty, that none had power to command them, the patent procured being for Virginia, and not for New England, which belonged to another company, with which the Virginia company had nothing to do. And, further, it was believed by the leading men among the settlers that such a deed, drawn up by themselves, considering their present condition, would be as effective as any patent, and in some respects more so.

The form of the deed was as follows:

In the name of God, Amen. We whose names are underwritten, the loyal subjects of our dread sovereign lord, King James, by the grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, etc., having undertaken for the glory of God, and advancement of the Christian faith, and honor of our king and country, a voyage to plant the first colony in the northern parts of Virginia, do by these presents solemnly and mutually in the presence of God and of one another, covenant and combine ourselves into a civil body politic, for our better ordering and

preservation, and the furtherance of the ends aforesaid and by virtue hereof to enact, constitute, and frame, such just and equal laws, ordinances, acts, constitutions, and offices, from time to time, as shall be thought most meet and convenient for the general use of the Colony, unto which we promise all due submission and obedience. In witness whereof we have here undercribed our names at Cape Cod, 11th of November, in the year of the reign of our sovereign lord, King James of England, France and Ireland the eighteenth, and of Scotland the fifty-fourth. A.D. 1620.

They then chose, or rather confirmed, Mr. John Carver, a godly man and highly approved among them, as their governor for that year. After they had provided a place for their goods and common stores, which they were long in unlading owing to want of boats, the severity of the winter weather and sickness, and had begun some small cottages for dwellings — as time would admit they met and consulted of law and order, both for civil and military government, as seemed suited to their conditions, adding to them from time to time as urgent need demanded. In these arduous and difficult beginnings, discontent and murmuring arose amongst some, and mutinous speech and bearing in others; but they were soon quelled and overcome by the wisdom, patience, and just and equal administration of things by the Governor and better part, who held faithfully together in the main.

But soon a most lamentable blow fell upon them. In two or three months' time half of their company died, partly owing to the severity of the winter, especially during January and February, and the want of houses and other comforts; partly from scurvy and other diseases, which their long voyage and their incommodious quarters had brought upon them. Of all the hundred odd persons, scarcely fifty remained, and sometimes two or three persons died in a day. In the time of worst distress, there were but six or seven sound persons, who, to their great commendation be it spoken, spared no pains night or day, but with great toil and at the risk of their own health, fetched wood, made fires, prepared food for the sick, made their beds, washed their infected clothes, dressed and undressed them — in a word, did all the homely and necessary services for them which dainty and queasy stomachs cannot endure to hear mentioned; and all this they did willingly and cheerfully, without the least grudging, showing their love to the friends and brethren; a rare ex-

⁶ From *History Of The Plymouth Settlement* by William Bradford, modernized by Harold Paget. Published by E. P. Dutton & Co. Inc., copyright 1909, renewed 1937. Used by permission of the publisher.

ample, and worthy to be remembered.

Two of these seven were Mr. William Brewster, their reverend elder, and Myles Standish, their captain and military commander, to whom myself and many others were much beholden in our low and sick condition. And yet the Lord so upheld these men that in this general calamity they were not at all infected with sickness. And what I have said of these few, I should say of many others who died in this general visitation, and others yet living, that while they had health or strength, they forsook none that had need of them. I doubt not that their recompense is with the Lord.

But I must not pass by another remarkable and unforgettable occurrence. When this calamity fell among the passengers who were to be left here to settle, they were hurried ashore and made to drink water, so that the sailors might have the more beer, and when one sufferer in his sickness desired but a small can of beer, it was answered that if he were their own father he should have none. Then the disease began to seize the sailors also, so that almost half of the crew died before they went away, and many of their officers and strongest men, amongst them the boatswain, gunner, three quartermasters, the cook and others. At this the captain was somewhat struck, and sent to the sick ashore and told the Governor that he could send for beer for those that had need of it, even should he have to drink water on the homeward voyage.

But amongst the sailors there was quite a different bearing in their misery. Those who before, in the time of their health and welfare, had been boon companions in drinking and jollity, began now to desert one another, saying they would not risk their lives for the sick among them, lest they should be infected by coming to help them in their cabins; if they died, let them die! But the passengers who were still aboard showed them what pity they could, which made some of their hearts relent, such as the boatswain, who was an overbearing young man, and before would often curse and scoff at the passengers. But when he grew weak they had compassion on him and helped him. Then he confessed he did not deserve it at their hands, for he had abused them in word and deed. "Oh," said he, "I see now you show your love like Christians indeed to one another; but we let one another lie and die like dogs." Another lay cursing his wife, saying if it had not been for her he had never come on this unlucky voyage; and anon cursed his fellows, saying he had done this or that for some of them,

he had spent so much and so much amongst them, and they were now weary of him, and did not help him in his need. Another made over to one of his mates all he had when he should die, if he would help him in his weakness. So his companion went and got a little spice and prepared some food once or twice; and when he did not die as soon as he expected, he went among his comrades and swore the rogue would cheat him of his inheritance; he would see him choke before he prepared him any more food; and so the poor fellow died before morning!

All this while the Indians came skulking about those who were ashore and would sometimes show themselves aloof, at a distance, but when any approached them, they would run away. Once they stole away the men's tools, where they had been at work and were gone to dinner. About the 16th of March a certain Indian came boldly among them, and spoke to them in broken English, which they could well understand, but were astonished at. At length they understood by speaking with him that he was not of these parts, but belonged to the eastern country where some English ships came to fish; and with some of these English he was acquainted, and could name several of them. From them he had got his knowledge of the language.

He became useful to them in acquainting them with many things concerning the state of the country in the east parts where he lived, as also of the people there, their names and number, their situation and distance from this place, and who was chief among them. His name was Samoset. He told them also of another Indian whose name was Squanto, a native of this part, who had been in England and could speak better English than himself. After some time of entertainment, being dismissed with gifts, in a little while he returned with five more, and they brought back all the tools that had been stolen, and made way for the coming of their great sachem, called Massasoit, who about four or five days after, came with the chief of his friends and other attendants, and with Squanto. With him, after friendly entertainment and some gifts, they made a peace which has now continued for twenty-four years.

These were the terms:

1. That neither he nor any of his, should injure or harm any of their people.
2. That if any of his did any harm to any of theirs, he should send the offender, that they might punish him.
3. That if anything were taken away from any

of theirs, he should cause it to be restored; and they should do the like to his.

4. If any made unjust war against him, they would aid him; if any made war against them, he should aid them.

5. He should send to his neighboring confederates to certify them of this, that they might not wrong them, but might be likewise comprised in the conditions of peace.

6. That when their men came to them, they should leave their bows and arrows behind them.

After this he returned to his place, called Sowams, some forty miles off, but Squanto stayed with them, and was their interpreter, and became a special instrument sent of God for their good, beyond their expectation. He showed them how to plant corn, where to take fish and other commodities, and guided them to unknown places, and never left them till he died. He was a native of these parts, and had been one of the few survivors of the plague hereabouts. He was carried away with others by one Hunt, a captain of a ship, who intended to sell them for slaves in Spain; but he got away for England, and was received by a merchant in London, and employed in Newfoundland and other parts, and lastly brought into these parts by a Captain Dermer, a gentleman employed by Sir Ferdinand Gorges and others, for discovery and other projects in these parts. . . .

The spring now approaching, it pleased God the mortality began to diminish among them, and the sick recovered apace, which put new life into them all; though they had borne their sad afflictions with as much patience and contentedness as I think any people could do. But it was the Lord who upheld them, and had beforehand prepared them, many having long borne the yoke, yea, even from their youth. Many other minor matters I will omit, several of them having been published already in a journal written by one of the company, and some other narratives and descriptions of journeys, already published, to which I refer those who wish to acquaint themselves more closely. Having now come to the 25th of March, I will begin the year 1621.

They now decided to send back the ship which had brought them over, and which had remained till about this time or the beginning of April. The reason, on their part, why she had stayed so long, was the necessity and danger they were under. It was well towards the end of December before she could land anything, or they were in a condition to receive anything

ashore. And after that on the 14th of January, the house they had built for a general rendezvous accidentally caught fire, and some of them had to go aboard the ship for shelter. Then the sickness began to fall among them sorely, and the weather was so bad that they could not hasten their preparations. Again the Governor and the chief members, seeing so many fall sick and die daily, thought it was unwise to send the ship away, considering their condition and the danger they were in from the Indians, till they could procure some shelter; and therefore thought it better to incur further expense for themselves and their friends, than to risk everything. And though before, the captain and sailors had hurried the passengers ashore, so that they could be gone; now many of the crew being dead — and some of the ablest of them — and of the rest many lay sick and weak, the captain did not dare put to sea till he saw them begin to recover, and the heart of winter over.

The settlers, as many as were able, then began to plant their corn, in which service Squanto stood them in good stead, showing them how to plant it and cultivate it. He also told them that unless they got fish to manure this exhausted old soil, it would come to nothing, and he showed them that in the middle of April plenty of fish would come up the brook by which they had begun to build, and taught them how to catch it, and where to get other necessary provisions; all of which they found true by experience. They sowed some English seed, such as wheat and pease, but it came to no good, either because of the badness of the seed or the lateness of the season or some other defect.

This April, while they were busy sowing their seed, their Governor, Mr. John Carver, one hot day came out of the field very sick. He complained greatly of his head and lay down, and within a few hours his senses failed. He never spoke again, and died a few days after. His death was much lamented and depressed them deeply, with good cause. He was buried in the best manner possible, with some volleys of shot by all that bore arms; and his wife, a weak woman, died five or six weeks after him.

Shortly after, William Bradford was chosen governor in his stead, and having not yet recovered from his illness in which he had been near the point of death, Isaac Allerton was appointed assistant to him. These two, by renewed election each year, continued several years together. . . .

They began now to gather in the small harvest

they had, and to prepare their houses for the winter, being well recovered in health and strength, and plentifully provisioned; for while some had been thus employed in affairs away from home, others were occupied in fishing for cod, bass, and other fish, of which they caught a good quantity, every family having their portion. All the summer there was no want. And now, as winter approached, wild fowl began to arrive, of which there were plenty when they came here first, though afterwards they became more scarce. As well as wild fowl, they got abundance of wild turkeys, besides venison, etc. Each person had about a peck of meal a week, or now, since harvest, Indian corn in that proportion; and afterwards many wrote at length about their plenty to their friends in England — not feigned but true reports.

In November, about twelve months after their arrival, there came a small ship unexpectedly, bringing Mr. Cushman . . . , and with him thirty-five persons to remain and live in the plantation; at which they rejoiced not a little. And the new arrivals, when they came ashore and found all well, and saw plenty of victuals in every house, were no less glad. Most of them were healthy young men, many of them wild enough, who had little considered what they were undertaking — till they reached the harbor of Cape Cod, and there saw nothing but a naked and barren place. They then began to wonder what would become of them, should the people be dead or cut off by the Indians. So, hearing what some of the sailors were saying, they began to plot to seize the sails, lest the ship should go and leave them there. But the captain, hearing of it, gave them good words, and told them that if any misfortune should have befallen the people here, he thought he had food enough to take them to Virginia, and whilst he had a bit, they should have their share, which satisfied them. So they were all landed; but they brought not so much as biscuitcake, or any other victuals with them, nor any bedding, except some poor things they had in their cabins; nor pot nor pan to cook any food in, nor many clothes, for many of them had sold their coats and cloaks at Plymouth on their way out. But some burching-lane suits were sent over in the ship, out of which they were supplied. The plantation was glad of this addition of strength, but could have wished that many of them had been of better class, and all of them better furnished with provisions; but that could not now be helped. . . .

This ship, called the *Fortune*, was speedily

despatched back, laden with good clapboard, as full as she could stow, and two hogsheds of beaver and otter skins, which they had traded in exchange for a few trifling commodities brought with them at first, being otherwise altogether unprovided for trading; nor was there a man among them who had ever seen a beaver skin till they came here, and were instructed by Squanto. The freight was estimated to be worth nearly £500. . . .

After the departure of this ship, which did not stay above fourteen days, the Governor and his assistant having disposed the new arrivals among several families as best they could, took an exact account of all their provisions in store, and proportioned the same to the number of persons, and found that it would not hold out above six months at half allowance, and hardly that. They could not well give less this winter, till fish came in again. So they were presently put on half allowance, one as well as another. It became irksome, but they bore it patiently, hoping to receive fresh supplies.

Soon after this ship's departure, the great Narragansett tribe, in a braving manner, sent a messenger to them with a bundle of arrows tied about with a great snake skin, which their interpreters told them was a threatening challenge. Upon which the Governor, with the advice of the others, sent them a round answer, that if they would rather have war than peace, they might begin when they would; they had done them no wrong, neither did they fear them, nor would they find them unprepared. They sent the snake skin back by another messenger with bullets in it; but they would not receive it, and returned it again. These things I need merely mention, because they are dealt with in print. . . .

But this made the settlers more careful to look to themselves. They agreed to enclose their dwellings in a good strong stockade and make *harkers in convenient places, with gates to shut*. These they locked every night and a watch was kept, and when need required there were also outposts in the daytime. The colonists, at the Captain's and Governor's advice, were divided into four squadrons, and everyone had his quarter appointed, to which to repair at any sudden alarm; and in case of fire, a company with muskets was appointed as a guard, to prevent Indian treachery, whilst the others quenched it. This was accomplished very cheerfully, and the town was enclosed by the beginning of March, every family having a pretty garden plot.

Herewith I shall end this year. . . .

The Expansion of England's Colonial Empire in America, 1689–1763



Braddock's Defeat

THE YEAR 1689 marked the beginning of over a century of intermittent conflict between England and France. The phase of this struggle which most directly affected colonial America ended in 1763, but the over-all contest for supremacy was world-wide, continuing through the American Revolution and the Napoleonic Wars. In a series of four major wars—known in American history as King William's, 1689–1697, Queen Anne's, 1702–1713, King George's, 1744–1748, and the French and Indian War, 1754–1763—both powers sought advantage in building up their overseas holdings.

Following Queen Anne's War there was a relatively peaceful interlude of about thirty years. However, war broke out between England and Spain on the Florida coast in 1739 after an English captain, Jenkins, reportedly lost his ear in an altercation with a Spanish customs officer. This conflict developed into a general European war, the War of the Austrian Succession. Known in America as King George's War, this struggle again brought the Anglo-French colonial rivalry in America into sharp focus. During King George's War, colonists captured the French

fortress of Louisbourg on Cape Breton Island. Much to the disgust of New Englanders this stronghold was returned to France by the Treaty of Aix-la-Chapelle which ended the war in 1748. Madras in India was restored to the British, indicating the global nature of the struggle.

King George's War had not settled the questions at issue in America and a decisive conflict was shaping up in the Ohio Valley between the two great powers. Actual fighting was not long in coming. War broke out in the Ohio Country in 1754 and developed in Europe two years later, where it was known as the Seven Years War. Although the English suffered some reverses in the French and Indian War, they were generally successful after 1758 and were able to dictate the terms of the Treaty of Paris in 1763. Thus England had expanded her colonial empire at the expense of her arch-rival, France.

Despite the numerous international wars, which affected England's American colonies, colonial society advanced at a rapid pace in the eighteenth century. Population grew, wealth increased, trade and commerce expanded, and cultural pursuits received more and more attention.

I

Early-Eighteenth-Century Colonial Life

THE FIRST CENTURY of life in the English colonies in North America was a struggle with the elements in a wild country. Gradually, however, colonial society became more mature and the rudiments of cultural and intellectual achievement were evident in most sections. People developed an interest in public schools and higher education. The first colonial newspaper appeared in 1704. The number of trained lawyers and physicians steadily increased in the eighteenth century. Interest in natural sciences became widespread and some Americans even belonged to the Royal Society in London. Benjamin Franklin and John Bartram were well known and respected among European scholars. Evarts Boutell Greene has discussed cultural life in the colonies during the first part of the eighteenth century in his book, *Provincial America, 1690-1740*.¹

DURING THE SEVENTEENTH CENTURY the pressure of material needs and the scattered character of the settlements prevented much development in the finer elements of civilization; and though New England showed a strongly idealistic spirit, her culture was narrowed by theological partisanship.

At the close of the century these unfavorable conditions were gradually changing and there began a period of substantial progress in civilization. The older communities were emerging from the hardships of the pioneer period; they were coming to have leisure and taste for intellectual pursuits, and becoming ambitious of larger opportunities for their children. The improved communications between different colonies were giving to their higher life some real community of interest, by weakening local and sectarian prejudices. The development of mercantile interests also helped to bring the backward or one-sided life of the colonies into vital contact with the main currents of European progress. In Boston, New York, Philadelphia, and Charleston there were many men who had regular business connections with the Old World and from time to time found it necessary to cross the ocean.

Much credit must also be given to the royal governors. Francis Nicholson, for instance, while governor in Virginia, Maryland, and South Carolina, gave special attention to education, urging

it upon the attention of his colonial assembly, and himself making contributions to the cause. When Yale College was founded, this zealous Anglican showed a surprising breadth of interest by contributing to its stock of books. So, too, his successor in Virginia, Governor Spotswood, was one of the chief patrons of William and Mary College.

In New York and Massachusetts, Governor Burnet left an enviable reputation as a man of scholarly and literary tastes. In New York he had among his political advisers a rather unusual group of intellectual men, and during his residence in Massachusetts he was understood to be a contributor of essays to the *New England Weekly Journal*. Governor Dudley, whatever his faults may have been, was a "gentleman and a scholar" who kept himself in sympathy with the literary and scientific activities of his time.

The Anglican church also exerted an important civilizing influence. The first two commissaries of the bishop of London, Blair in Virginia and Bray in Maryland, are almost as well known for their educational as for their religious activities. The Venerable Society emphasized the educational side of its missionary work, and in many southern parishes the Anglican lay reader was the first teacher. In New England also the Anglican clergy were an important intellectual force, helping their Puritan neighbors by the stimulus of competition and preparing the way for a more tolerant practice.

Perhaps the finest gift of the English church to the life of New England was the mission of George Berkeley, who lived from 1729 to 1731 in

¹ Evarts Boutell Greene, *Provincial America* (New York: Harper & Brothers, 1905), pp. 301-321. Copyright, 1905, by Harper & Brothers. Copyright, 1933, by Evarts Boutell Greene. Used by permission of the publishers.

the vicinity of Newport. Dean Berkeley was the highest ecclesiastical dignitary who had hitherto visited the colonies, and was known already as a brilliant scholar. As the founders of Massachusetts had hoped to build up a "bulwark against Anti-Christ," so Berkeley saw in the fresh and youthful life of the New World a refuge for Christian and Protestant civilization. He desired to establish an American college under Anglican auspices, but the project was not supported by the English government, and he returned to England much disappointed.

Yet the time which Berkeley spent in Newport was not wasted. In a kindly way he used his influence against the sectarian spirit of New England Puritanism, and his sympathies were not confined within his own communion. After his return to England he gave generously to Yale College, both in books and in land, and he also contributed some books to the library of Harvard College. Through the stimulus of his intercourse and example he strengthened the intellectual life of the little colony where he lived, and his influence can be traced also in the founding of King's College in New York, 1754, under the leadership of his friend and disciple, Samuel Johnson.

During this period there was substantial progress in the founding and development of educational institutions, and in the south the most important event was the founding of William and Mary College. Some subscriptions for such a college had been taken in Berkeley's administration; but little was accomplished until 1691, when the assembly sent commissary Blair to England with instructions to secure a charter. Blair appealed successfully to the queen and the king, and in 1693 came back with a royal charter, together with a substantial endowment from the royal revenues. From time to time this endowment was increased by grants from the assembly and by private gifts.

William and Mary College was thus founded under distinctly Anglican auspices and its close connection with the church continued throughout the colonial era. Commissary Blair himself was its first president, holding the office for fifty years; its professors were generally clergymen in charge of neighboring parishes, and emphasis was constantly laid upon training for the service of the Anglican church. About the college there was subsequently built the capital town of Williamsburg, which, with its double attraction of the college and the seat of government, became a social centre of some importance. The

college itself passed through many vicissitudes: it was burned down in 1705, and, though soon restored, it was described about 1724 by one of its professors, the Reverend Hugh Jones, as "a college without a chapel, without a scholarship, and without a statute" having "a library without books comparatively speaking; and a president without a fixed salary till of late." In 1729 the faculty consisted of President Blair and six professors, including two in theology and two in the school of philosophy. Though its influence in the colonial era was hardly comparable with that of Harvard, in Massachusetts, it trained a large proportion of the men who were to play conspicuous parts in the struggle for independence.

William and Mary was the only college in the south during the colonial era, and the demand for higher education had to be met by sending young men out of the colony either to England, or, occasionally, to one of the northern colleges. In the richer families an education overseas was, therefore, more common than in New England.

In secondary and elementary education the south made some progress during the first half of the eighteenth century. A "grammar" school at Williamsburg gave preliminary training in Greek and Latin. In 1695 the Maryland assembly passed an act for one or more free schools in which Latin and Greek might be taught, but only one was established under its provisions, the King William's School at Annapolis. In 1763, Governor Sharpe declared that there was not in Maryland even one good grammar-school.

South Carolina during the earlier years of the eighteenth century passed a number of laws for the encouragement of education. In 1711 the colony, with the co-operation of the Society for the Propagation of the Gospel, established a school in Charleston; and a few were established elsewhere through bequests by individuals or through the efforts of societies.

North Carolina was probably the most backward of all the colonies, but even here a few schools were established during the first two decades of the eighteenth century, chiefly through the efforts of the Anglican church. The net results, however, were small, and in 1736 Governor Johnston reproached the assembly with having "never yet taken the least care to erect one school, which deserves the name in this extended country."

None of the southern colonies had a genuine public-school system, but the deficiency in organ-

ized education was partly made up by private instruction, which, in South Carolina especially, employed a considerable number of persons during the latter part of the provincial era. In that colony also something was done for the poor by the rich through the institution of schools with free scholarships.

Eight years after the incorporation of William and Mary College another institution for higher education was incorporated in Connecticut. Yale College, like its predecessors in Massachusetts and Virginia, was founded under strongly clerical influences, and was intended to be largely, though not exclusively, a training school for ministers. Most of its promoters were Harvard graduates, but in Connecticut there was a demand for a college nearer home, while in Massachusetts many men felt that Harvard was drifting away from the orthodox standards. The act of 1701 incorporating the new college provided for a board of trustees composed exclusively of ministers.

For the next seventeen years the college led an extremely precarious existence. A part of the instruction was given at Saybrook, but some of the students were provided for at various other places. Local jealousies made it difficult to fix a permanent seat for the college; but in 1716 the trustees agreed upon New Haven, and their decision was sanctioned by the general court. There was still some resistance, and in 1718 rival commencements were held at Weathersfield and New Haven; but by concessions to the disappointed towns the breach was soon healed. Meanwhile, donations were coming in from various quarters. Jeremiah Dummer collected a number of books for the college from friends in England, but the most important benefactor was Elihu Yale, a native of Boston, who, after receiving his education in England, became a prosperous East Indian merchant, and governor for the East India Company at Madras. In 1718, at the first New Haven commencement, the school was christened by its new name of Yale College, and in 1719 Timothy Cutler was made resident rector or president of the college.

The college seemed at last to be definitely established; but it soon sustained a severe shock through the conversion of President Cutler to the principle of episcopal ordination. The trustees, however, proved equal to the occasion; Cutler was promptly deposed and a drastic rule was adopted excluding from the government of the college any one who might be tainted with "Arminian and Prelatical Corruptions." Yale

College was thus more carefully forearmed against heresy than Harvard had ever been. Cutler's successors, Williams and Clap, both proved efficient administrators and safe theologians, and the college became prosperous and influential. Yale was the academic headquarters of thorough-going Calvinism both for New England and the middle colonies; and it trained the two great Calvinistic teachers of the period, Jonathan Dickinson and Jonathan Edwards, who became later the first two presidents of the college of New Jersey. Some of the secular leaders of the middle colonies were also educated at Yale, including such New-Yorkers as William Smith the historian and William Livingston the politician and later revolutionary leader.

The enthusiasm of Cotton Mather and his friends for Yale was largely due to their consciousness of waning influence at Harvard, where there had long been a vigorous contest between liberals and conservatives for the control of the college. The Mathers desired a new charter in place of the old one of 1650, which should secure the doctrinal orthodoxy of the college. No act, however, which the colonists could agree upon, was acceptable to the crown or its agent the governor; until in 1707 the difficulty was solved by a short resolution declaring the old charter to be still in force.

The more liberal element in the church was gradually increasing its representation in the corporation, and in 1707, with the help of Governor Dudley, they elected John Leverett as president. In 1717 the Mather influence suffered another severe check when two more ministers of the liberal school were elected to the corporation. In 1722 the conservatives were strong enough to get through the general court a vote which, by adding the resident tutors to the corporation, would have eliminated the objectionable new members, but this project was blocked by Governor Shute.

These controversies between ecclesiastical factions, though petty enough in themselves, are historically significant because they involve the important issue of academic freedom against ecclesiastical control; and because the victory of the liberals made the college for the future one of the strong humanizing forces in New England life. In other ways, also, this was a period of educational progress for Harvard. In 1721 and 1727 the London merchant, Thomas Hollis, established the first two professorships at the college, one in divinity and one in natural philosophy. The latter chair was assigned, in 1738, to John

Winthrop, a young graduate who during forty years of service was to be one of the best representatives in America of the scholar's life.

Educational progress came more slowly in the middle colonies. The Quakers of Pennsylvania believed thoroughly in elementary education, but they cared little for the higher learning, partly because they had no clergy requiring special teaching. The first college in Pennsylvania was not founded until 1755, and then the chief mover in the enterprise was Benjamin Franklin, a transplanted New-Englander. Perhaps the most important Pennsylvania school founded before that time was the one established at Philadelphia in 1697 and subsequently known as the William Penn Charter School.

In New York the presence of two distinct nationalities interfered seriously with educational progress, and, though there were schools in the province, they had a poor reputation. William Smith the historian, himself a native and prominent citizen of the province, wrote in 1756 that the schools were "in the lowest order."

In New Jersey a law authorizing towns to levy taxes for the support of public schools was passed as early as 1693, and during the next half-century a considerable number of schools were actually established. The educational leadership in New Jersey came largely from the Presbyterian church, which had gathered to itself not merely the original Presbyterians of Scotch-Irish stock, but their fellow-Calvinists from New England, Holland, and Germany. Largely through the efforts of Presbyterian ministers, the first charter of the College of New Jersey was granted in 1746, three of the four principal ministerial promoters being graduates of Yale, and one of Harvard. A year later, another Harvard graduate, Jonathan Belcher, became governor of New Jersey, and through his efforts a new charter was granted, which placed the college upon a secure foundation. Thus the higher education of the middle colonies was in large measure the product of New England training. No other college was founded in the middle region before 1750, but the subject was already attracting attention, and the next decade saw the founding of Columbia College under Anglican auspices at New York, and of the University of Pennsylvania at Philadelphia, the freest from ecclesiastical control of all the colonial colleges.

An important evidence of a developing civilization is the accumulation of private and public libraries. In the endowment of the early American colleges, notably of Harvard and Yale, do-

nations of books had played an important part. Gradually there developed in New England such considerable private collections as those of the Mathers and Thomas Prince. In the south the best-known private collection was that of Westover, in Virginia, which, when sold in 1778, numbered nearly four thousand volumes, collected largely by William Byrd, the contemporary of Governor Spotswood, and showing broad literary and scientific interests.

Towards the close of the seventeenth century, Reverend Thomas Bray collected and sent to various places in America small libraries, made up largely, but not wholly, of theological literature. Most of these were in Maryland, but one of the most important was in Charleston, South Carolina, and there were three in New England. About 1729 the Society for the Propagation of the Gospel sent to New York a library of one thousand volumes for the use of the neighboring clergy. Generally speaking, little was done by the colonists to develop these collections, but in 1698 the South Carolina assembly appropriated money for the support of the library in Charleston, for which the distinction has been claimed of being the first public library in America.

Of more importance as an indication of colonial initiative in this field was the public subscription library in Philadelphia founded by Franklin in 1731 and incorporated in 1742. Franklin tells us that "The institution soon manifested its utility, was imitated by other towns, and in other provinces . . . reading became fashionable; and our people, having no publick amusements to divert their attention from study, became better acquainted with books, and in a few years were observ'd by strangers to be better instructed and more intelligent than people of the same rank generally are in other countries." A somewhat similar movement resulted in the formation of the Charleston Library Society in 1743.

The development of journalism is one of the most important social facts of this provincial era. At the close of the seventeenth century there was not a single newspaper published in North America, and even after the founding of the *Boston News Letter*, in 1704, fifteen years passed before it had any rival on the continent. During the next two decades, however, newspapers were established in Rhode Island, New York, Pennsylvania, Maryland, Virginia, and South Carolina. These were generally weekly publications, very imperfect in their reports of

American news, giving considerable space to English court life and parliamentary procedure and to scientific or literary essays. Though often cautious about the expression of editorial views, they became important agencies of political controversy, and furnish to-day valuable sources of information upon numerous aspects of provincial politics.

During the first half of the eighteenth century Boston was the chief journalistic centre in the colonies, and in 1735 there were five newspapers simultaneously published in the town. There Franklin began his career as printer and journalist by assisting his brother in the publication of the *New England Courant*. Papers of a much higher order were the *New England Weekly Journal* and the *Weekly Rehearsal*, afterwards continued in the *Boston Weekly Post*, which had distinctly literary aims and received contributions from leading ministers and laymen.

During the seventeenth century the clergy were almost the only educated professional men in America. Lawyers were few and were regarded with suspicion, and there were few thoroughly trained physicians. During the next half-century there was a decided advance in all of these professions. The development of the Anglican church brought into the middle and southern colonies a few clergymen like Blair in Virginia and Garden in South Carolina, who had shared in the best educational opportunities of their time and yet were ready to spend their lives in the New World. . . .

The most scholarly Puritan minister of the next generation was Thomas Prince, a graduate of Harvard in 1707, and for forty years pastor of the South Church in Boston. Prince found time to build up a large library and to write his scholarly though fragmentary *Chronological History of New England*. In his dedication he enunciated principles of scholarship strikingly different from those of the *Magnalia Christi*. "I would not," he said, "take the least iota upon trust, if possible," and "I cite my vouchers to every passage."

The progress of the medical profession was comparatively slow. One of the best-known and in some respects most intelligent of American physicians during this period was William Douglass, the author of an entertaining but not quite trustworthy historical and descriptive account of the colonies. Strangely enough, the sceptical Douglass opposed inoculation as a protection against small-pox, while Cotton Mather defended

it. William Smith gave a gloomy view of physicians in New York about the middle of the eighteenth century, declaring that there were few really skillful ones, while "quacks abound like locusts in Egypt." South Carolina had a few physicians who showed not only practical skill but some capacity for scientific research.

At the beginning of the eighteenth century lawyers were so few that even the most important judicial positions were often filled by men without specific legal training. This was true in the southern and middle colonies as well as in New England. In South Carolina, for instance, the first professional lawyer of whom there seems to be any definite record was Nicholas Trott, who came to the province in 1698. . . .

A wide-spread interest in natural science corresponded to the contemporary tendency of English thought; even Cotton Mather was interested in these studies, as were his contemporaries Joseph and Paul Dudley. Many Americans of that time were members of the Royal Society of London or contributors to its transactions, including the Winthrops and Paul Dudley in Massachusetts, William Byrd in Virginia, and the physician Lining of South Carolina. In Philadelphia the Quaker John Bartram won a European reputation as a naturalist; and there Franklin, in 1743, issued his appeal for the formation of an American philosophical society to stimulate and organize research. . . .

Provincial society was growing richer, freer, more cosmopolitan in the eighteenth century, but it was felt by many to be losing in ethical and religious vigor. Significant as a protest against the prevailing tendencies of the time was the religious revival which had for its chief preachers Jonathan Edwards and George Whitefield. The "Great Awakening" may be said to have begun in 1734 with the revival in Edwards's Church at Northampton, in western Massachusetts. A short period of comparative inaction followed, but in 1739 the smouldering fire was fanned into flame by the passionate eloquence of Whitefield. The new revival spread through the southern and middle colonies and produced a powerful impression upon nearly all classes. Even the unemotional Franklin found it hard at times to resist the spell of Whitefield's oratory.

Gradually, however, the inevitable reaction came; for the movement was unwelcome not only to those who were tinged with the new secular spirit, but also to many who stood for the old ecclesiastical order. . . .

II

Anglo-French Rivalry

ANGLO-FRENCH RIVALRY for the political and commercial control of North America falls into the period from 1689 to 1763. During that time four international and inter-colonial wars were fought. These conflicts, covering three-fourths of a century, ended with the Treaty of Paris in 1763 and vastly affected the colonial possessions of England, France and Spain in North America. In all of these wars the colonists played an important part. The economic strength of the Thirteen Colonies and their larger and more concentrated population aided greatly in helping England ultimately to achieve victory over France in North America.

1. KING WILLIAM'S WAR, 1689-1697: AMERICAN PHASE

In the early phase of Anglo-French rivalry the map of North America was only slightly affected. King William's War settled nothing in America and left territorial holdings unchanged. However, George M. Wrong's account of this conflict in America shows the part played by the colonists in the early struggles between France and England.²

MASSACHUSETTS, whose people had been thoroughly aroused by the French incursions, resolved to retaliate by striking at the heart of Canada by sea and to take Quebec. Sir William Phips, though not yet made Governor, would lead the expedition. The first blow fell in Acadia. Phips sailed up the Bay of Fundy and on May 11, 1690, landed a force before Port Royal. The French Governor surrendered on terms. The conquest was intended to be final, and the people were offered their lives and property on the condition of taking the oath to be loyal subjects of William and Mary. This many of them did and were left unmolested. It was a bloodless victory. But Phips, the Puritan crusader, was something of a pirate. He plundered private property and was himself accused of taking not merely the silver forks and spoons of the captive Governor but even his wigs, shirts, garters, and night caps. The Boston Puritans joyfully pillaged the church at Port Royal, and overturned the high altar and the images. The booty was

considerable and by the end of May Phips, a prosperous hero, was back in Boston.

Boston was aflame with zeal to go on and conquer Canada. By the middle of August Phips had set out on the long sea voyage to Quebec, with twenty-two hundred men, a great force for a colonial enterprise of that time, and in all some forty ships. The voyage occupied more than two months. Apparently the hardy carpenter-sailor, able enough to carry through a difficult undertaking with a single ship, lacked the organizing skill to manage a great expedition. He performed, however, the feat of navigating safely with his fleet the treacherous waters of the lower St. Lawrence. On the morning of October 16, 1690, watchers at Quebec saw the fleet, concerning which they had already been warned, rounding the head of the Island of Orleans and sailing into the broad basin. Breathless spectators counted the ships. There were thirty-four in sight, a few large vessels, some mere fishing craft. It was a spectacle well calculated to excite and alarm the good people of Quebec. They might, however, take comfort in the knowledge that their great Frontenac was present to defend them. A few days earlier he had been in Montreal, but, when there had come the startling news of the approach of the enemy's ships, he had hurried down the river and had been received with shouts of joy by the anxious populace.

The situation was one well suited to Frontenac's genius for the dramatic. When a boat under a flag of truce put out from the English ships, Frontenac hurried four canoes to meet it. The English envoy was placed blindfold in one of these canoes and was paddled to the shore.

² Reproduced from *The Conquest of New France*, by George M. Wrong, Vol. 10. *The Chronicles of America*. Copyright Yale University Press. Pp. 17-23.

Here two soldiers took him by the arms and led him over many obstacles up the steep ascent to the Château St. Louis. He could see nothing but could hear the beating of drums, the blowing of trumpets, the jeers and shouting of a great multitude in a town which seemed to be full of soldiers and to have its streets heavily barricaded. When the bandage was taken from his eyes he found himself in a great room of the Château. Before him stood Frontenac, in brilliant uniform, surrounded by the most glittering array of officers which Quebec could muster. The astonished envoy presented a letter from Phips. It was a curt demand in the name of King William of England for the unconditional surrender of all "forts and castles" in Canada, of Frontenac himself, and all his forces and supplies. On such conditions Phips would show mercy, as a Christian should. Frontenac must answer within an hour. When the letter had been read the envoy took a watch from his pocket and pointed out the time to Frontenac. It was ten o'clock. The reply must be given by eleven. Loud mutterings greeted the insulting message. One officer cried out that Phips was a pirate and that his messenger should be hanged. Frontenac knew well how to deal with such a situation. He threw the letter in the envoy's face and turned his back upon him. The unhappy man, who understood French, heard the Governor give orders that a gibbet should be erected on which he was to be hanged. When the Bishop and the Intendant pleaded for mercy, Frontenac seemed to yield. He would not take, he said, an hour to reply, but would answer at once. He knew no such person as King William. James, though in exile, was the true King of England and the good friend of the King of France. There would be no surrender to a pirate. After this outburst, the envoy asked if he might have the answer in writing. "No!" thundered Frontenac. "I will answer only from the mouths of my cannon and with my musketry!"

Phips could not take Quebec. In carrying out his plans, he was slow and dilatory. Nature aided his foe. The weather was bad, the waters before Quebec were difficult, and boats grounded unexpectedly in a falling tide. Phips landed a force on the north side of the basin at Beauport but was held in check by French and Indian skirmishing parties. He sailed his ships up close to Quebec and bombarded the stronghold, but then, as now, ships were impotent against well-served land defenses. Soon Phips was short of ammunition. A second time he made a landing

in order to attack Quebec from the valley of the St. Charles but French regulars fought with militia and Indians to drive off his forces. Phips held a meeting with his officers for prayer. Heaven, however, denied success to his arms. If he could not take Quebec, it was time to be gone, for in the late autumn the dangers of the St. Lawrence are great. He lay before Quebec for just a week and on the 23d of October sailed away. It was late in November when his battered fleet began to straggle into Boston. The ways of God had not proved as simple as they had seemed to the Puritan faith, for the stronghold of Satan had not fallen before the attacks of the Lord's people. There were searchings of heart, recriminations, and financial distress in Boston.

For seven years more the war endured. Frontenac's victory over Phips at Quebec was not victory over the Iroquois or victory over the colony of New York. In 1691 this colony sent Peter Schuyler with a force against Canada by way of Lake Champlain. Schuyler penetrated almost to Montreal, gained some indecisive success, and caused much suffering to the unhappy Canadian settlers. Frontenac made his last great stroke in July, 1696, when he led more than two thousand men through the primeval forest to destroy the villages of the Onondaga and the Oneida tribes of the Iroquois. On the journey from the south shore of Lake Ontario, the old man of seventy-five was unable to walk over the rough portages and fifty Indians shouting songs of joy carried his great canoe on their shoulders. When the soldiers left the canoes and marched forward to the fight, they bore Frontenac in an easy chair. He did not destroy his enemy, for many of the Indians fled, but he burned their chief village and taught them a new respect for the power of the French. It was the last great effort of the old warrior. In the next year, 1697, was concluded the Peace of Ryswick; and in 1698 Frontenac died in his seventy-ninth year, a hoary champion of France's imperial designs.

The Peace of Ryswick was an indecisive ending of an indecisive war. It was indeed one of those bad treaties which invite renewed war. The struggle had achieved little but to deepen the conviction of each side that it must make itself stronger for the next fight. Each gave back most of what it had gained. The peace, however, did not leave matters quite as they had been. The position of William was stronger than before, for France treated with him and now recognized him as King of England. Moreover France, hitherto always victorious, with generals who

had not known defeat, was really defeated when she could no longer advance.

2. QUEEN ANNE'S WAR, 1702-1713

Peace between England and France lasted only five years after the Treaty of Ryswick in 1697. When Charles II, King of Spain, died in 1700 without heirs, he left his entire possessions to Philip of Anjou, a grandson of Louis XIV, King of France. Thus a plan to partition the Spanish possessions, which had been under consideration by the major powers, was thwarted and England was left empty handed. Queen Anne was not slow to challenge the French and declared war shortly after her accession. The War of the Spanish Succession, known in America as Queen Anne's War, ended with the Treaty of Utrecht in 1713. The American phase of this struggle has been recounted in Greene's Provincial America.³

AFTER SEVEN YEARS of indecisive conflict, during which the colonists had been left largely to their own resources, the English government began to direct its attention more seriously to the North American situation. The desirability of the conquest of Canada had been repeatedly urged upon the home government, and now had an unusually zealous advocate in the person of Colonel Samuel Vetch, an adventurous Scotchman, who, after some service in the British army, came first to New York, where he married into the Livingston family, and afterwards engaged in trade at Boston. In 1706, Vetch, with a number of other prominent Boston merchants, was convicted of trading with the enemy and fined, though the sentence was annulled by the crown on technical grounds. This incident does not appear to have affected his standing in England, and he had the advantage of considerable local knowledge of Canadian affairs gained during a recent visit.

In March, 1709, a royal circular was issued to the northern governors announcing an expedition against the French in accordance with Vetch's proposals. A fleet was to be sent out from England with five regiments of British regulars, who were to be reinforced by Massachusetts and Rhode Island militia, and then to proceed by sea against Quebec; Montreal was to be attacked by a land force from Albany, consisting of militia from New York, Connecticut,

New Jersey, and Pennsylvania, and an auxiliary force of Indians. Vetch was given general supervision of the enterprise, and the colonial governments were required to furnish supplies and fixed quotas of militia.

The plan was received with enthusiasm in New England, where it seemed to offer a permanent solution of the perplexing French and Indian problem. The necessary preparations were therefore pushed forward with vigor. In the middle colonies the problem was less simple. For New York the new enterprise meant a departure from the quasi-neutral position which had hitherto saved the province from border warfare. Nevertheless, the expulsion of the French from Canada was a prize for which it was worth while to take some risks, so that the New York assembly contributed liberally in men and supplies; and, by the help of the Schuylers, some of the Iroquois were induced to co-operate. In New Jersey and Pennsylvania the Quaker influence proved a serious obstacle. New Jersey finally made an appropriation of £3000, but Pennsylvania refused to take any part in the enterprise. Nevertheless, a strong force was collected and a commander chosen in the person of Francis Nicholson, who as governor or lieutenant-governor in New York, Virginia, and Maryland, had had an unusually varied experience. His military capacity was never severely tested, but he was zealous and energetic.

After all these preparations the colonists were finally disappointed by the failure of the home government to do its part. The supposedly more urgent demands of the European war led to a change of plan, and the troops formerly intended for Quebec were sent to Portugal. It was now proposed that with the help of English men-of-war then in American waters an attack should be made on Port Royal. The naval officers, however, refused their co-operation, and the year of hard work and heavy outlay ended with no tangible result.

Nevertheless, the leaders in America refused to give up the enterprise. Nicholson and Schuyler went to England to urge vigorous measures upon the government, and the latter took with him a party of Mohawk sachems who attracted much attention. The more ambitious expedition to Canada was allowed to drop for the present, but one substantial result of these appeals was the Port Royal expedition of 1710, of which Nicholson himself was commander-in-chief, with Vetch as adjutant-general. Four regiments of militia were furnished by New

³ Everts Boutell Greene, *Provincial America* (New York: Harper & Brothers, 1905), pp. 151-165. Copyright, 1905, by Harper & Brothers. Copyright, 1933, by Everts Boutell Greene. Used by permission of the publishers.

England, and the English government contributed a few men-of-war with a regiment of marines. The French governor at Port Royal was too weak to resist so strong a force, and a week after the arrival of the fleet he was obliged to surrender. Acadia thereupon became the British province of Nova Scotia and Port Royal became Annapolis Royal.

After the capture of Port Royal, Nicholson returned to England to urge once more the larger enterprise against Canada. During the summer of 1710 the ministry of Godolphin and Marlborough, which, though not distinctly partisan, had finally allied itself closely with the Whigs, was overthrown and a new Tory ministry came into office, of which the leading members were Robert Harley, soon after created Earl of Oxford, and Henry St. John, who was also soon raised to the peerage as Viscount Bolingbroke. These men represented the reaction against the continental war policy of their predecessors, and they soon set themselves to secure peace with France. On the other hand, the idea of the conquest of Canada appealed strongly to St. John, who wrote of the plan, "It is my favorite project, which I have been driving on ever since I came last into business, what will be an immense and lasting advantage to our country, if it succeeds, and what if it fails, will perhaps be particularly prejudicial to me."

A new campaign was therefore planned. Again, as in 1709, it was proposed to undertake simultaneous movements by sea from Boston against Quebec and by land from Albany against Montreal. The attack on Quebec was to be made by a British fleet carrying seven regiments of regular troops, and an additional force to be raised in New England. The land expedition was to consist of a few regulars, militia from *Connecticut and the middle colonies, and Iroquois Indians*, all under the command of General Nicholson.

The desire of the government to keep the expedition as secret as possible left the colonists only a scant allowance of time to make their contributions in men and supplies; but they seem, on the whole, to have given cordial and effective support. A conference of governors was held at New London to discuss the necessary arrangements, and even Pennsylvania consented to make a contribution in money. After some discussion the leading Quakers decided that they might "give the Queen money, notwithstanding any use she might put it to, *that being not our part, but hers.*" In Boston there was some friction be-

tween the royal officers and the citizens, but the general court seems to have done all that could reasonably have been expected. In New York there was another diplomatic contest between Peter Schuyler and the able French agent Joncaire, which resulted in securing the co-operation of eight hundred Iroquois for the attack on Montreal.

Once more the colonists were doomed to disappointment, and the responsibility for the failure must rest mainly with the British naval and military commanders. The admiral of the fleet, Sir Hovenden Walker seems to have been faint-hearted as well as incompetent. The commander of the military forces, the notorious "Jack Hill," a brother of the queen's favorite, Mrs. Masham, had been rapidly promoted in the face of Marlborough's protests and had never shown capacity for important military command. The fleet entered the St. Lawrence in August, 1711, but never reached Quebec; through a serious blunder, for which Walker was at least partially responsible, several transports were wrecked in the river with a loss of several hundred soldiers. There still remained a force decidedly superior to any that Vaudreuil could muster at Quebec, but neither Walker nor Hill had any heart for the undertaking, and after taking the advice of a council of war they determined to retreat. The failure of the Quebec movement required the abandonment of the New York enterprise also, greatly to the disgust of its commander.

Few episodes in English colonial history are more humiliating than the failure of this Quebec expedition; and in New England, especially, there was sharp criticism of the management, "some imputing it to cowardice, but most to treachery." An attempt was also made to throw the blame upon the *Massachusetts government* and people for lack of proper support, but the charge was effectively answered by Dummer, the Massachusetts agent in London, in his *Letter to a Noble Lord*.

Notwithstanding their disappointment, the colonists urged upon the home government a new attempt upon Canada, but the Tory ministers were deep in the negotiations for peace, and in 1712 secured a general suspension of hostilities. After a long and exhausting war both parties were ready for concessions, and in 1713 they agreed to the peace of Utrecht. The Spanish succession was settled by a compromise which was reluctantly and after some delay accepted by the Austrians; the establishment of the

Bourbon dynasty in Spain and its Colonial dependencies was recognized, but the union of the French and Spanish crowns was carefully guarded against. Nevertheless, the tendency of the two related houses to act together proved more than once an important factor in the subsequent history of Europe and America.

Of great significance for America are the provisions of the peace of Utrecht which mark the advance of England as a maritime power. Her position in the Mediterranean was strengthened by the acquisition of Port Mahon, in Minorca, and the fortress of Gibraltar, captured in 1704. Her interest in the Spanish trade was recognized by the *Asiento* clause, which gave to English merchants for thirty years the exclusive privilege of carrying on the African slave-trade with the Spanish-American colonies. In the West Indies the net result was comparatively small. St. Christopher became a wholly English possession, but the French retained their chief islands, which continued to be important stations for French privateers.

The North American settlement brought serious disappointment to both parties. Louis XIV

was reluctant to give up Acadia and offered instead various concessions elsewhere; but he was finally forced to yield, although an opening was left for future controversy by the statement that the province was ceded "with its ancient limits." With Acadia, England also established her claim to the Hudson Bay country and Newfoundland, though with certain reservations in the interests of the French fisheries. The old claim that the Iroquois were subjects of the king of England was now formally recognized by the French, though their efforts to bring the confederates under French influence were by no means finally abandoned. . . .

For North America as a whole the peace of Utrecht marks, as no previous treaty with France had done, a real advance in the prestige of England. It was true that the French raids had retarded the spread of English settlements and that much damage had been done to New England trade and fisheries. Yet these losses were soon repaired and the net result of French military and diplomatic effort was a serious though not a decisive defeat.

III

A Peaceful Interlude, 1713-1744

THE GREAT QUESTION OF PRIMACY in North America had to wait another half century after the Treaty of Utrecht, 1713, for its final settlement. Meanwhile, colonial rivalry between France and England continued unabated. This rivalry was partly economic since both countries tried to supply Europe with desirable colonial products such as food and furs. The conflict also extended to trade with the Indians and involved the important matter of retaining Indian friendship and support. The French steadily advanced far inland, building forts, and laying claim to the vast interior of North America. The building up of economic and naval strength, as well as the French penetration of America, has been well told by Reuben Gold Thwaites in *France in America, 1497-1763*.⁴

THE WAR OF THE SPANISH SUCCESSION, in America called Queen Anne's War (1702-1713), had greatly impoverished France. Louis XIV died in 1715, overwhelmed with disappointment, for the wide-spreading empire which he had reared was

now shorn on every hand, and numerous domestic calamities faced the throne. Immediately following his death the country came under the practical control of the benign Cardinal Fleuri, preceptor to the young king, and in 1726 he was made actual minister. Early in his career commercial restrictions were largely removed, to the immediate benefit of French commerce. We have already seen that earnest, although economically

⁴ Reuben Gold Thwaites, *France in America* (New York: Harper & Brothers, 1905), pp. 89-99. Copyright, 1905, by Harper & Brothers. Copyright, 1933, by Jessie T. Thwaites. Used by permission of the publishers.

unsound, measures had been taken for the development of Louisiana; Guadeloupe, Martinique, and the French half of Hayti also felt new life. In Canada, ice-bound half the year and with a roving population that lived largely on the fur-trade, feudalism seemed an ill-nurtured exotic; but Louisiana and these West Indian possessions were, with their subtropical climate, particularly adapted to the profitable use of slave labor and to the paternal form of government which France employed alike at home and in the colonies. Coffee and sugar from the French colonies began to drive from the European markets the production of the rival English islands of Jamaica, Barbadoes, and their smaller neighbors; England was also, for a time, losing ground along the Mediterranean, in the Levant, and in far-off India. French merchant shipping grew from three hundred vessels, at the time of Louis's death, to eighteen hundred in 1735.

While Fleuri was dominating France, the English prime-minister was Sir Robert Walpole. Both statesmen strongly desired peace in western Europe, and in the face of many difficulties long maintained it. But there were irresistible forces at work, largely originating in differences of temperament between the two peoples, which tended to neutralize their efforts at a good understanding. France and England were engaged in a long-standing rivalry for the possession of lands overseas, which might be colonized and thereby made to assist in the development of national commerce. Naval strength is the predominant factor in colonizing and the pushing of colonial trade. The mistress of the seas controls the ocean lanes, can keep open against all comers the necessary lines of communication between the colonies and the mother-land, and in need can defend colonial coasts.

England, more clearly than France, recognized this principle, and in a measure acted upon it. Her perception had not at the time of our narrative attained to a thorough understanding; her efforts were lacking in continuity and cohesion, and much stupidity was sometimes displayed by her naval and military boards; but, impelled in great measure by the necessities of her insular position, she did much better than France, whose statesmen were so steeped in the back-door turmoil of continental dynastic bickerings that they often quite lost sight of their colonies and the sea. The result was that soon her neglected navy had shrunk to half the strength of that of Great Britain, ill-manned and ill-equipped as the latter generally was; and complications arose for which

France was unprepared and the reasons for which were not always at once comprehended by her leaders.

English trade rivalry among the tribes of both the Ohio and the upper Great Lakes early became a serious matter with the officials and merchants of New France, and we find frequent references to it in the French documents of the period. Not only did wandering French and English traders visit and tamper with each other's Indians; but there was much smuggling across the lines—French merchants obtaining low-priced goods from New York and Albany; Englishmen purchasing peltries from French dealers, and even directly from *coureurs de bois* who operated in the region of Mackinac and Sault Ste. Marie and surreptitiously sought the English market. In 1724 it was affirmed by a careful observer that, contrary to law, Albany merchants, instead of exclusively patronizing tribes allied to the English, were obtaining four-fifths of their skins "from the French of Mont Royall and Canada"; and several English traders were prosecuted and punished for this serious offence.

The issue relative to the proprietorship of the trans-Alleghany region was soon raised by English officials. In 1686 Denonville reported to Versailles that letters written to him by Governor Dongan of New York "will notify you sufficiently of his pretensions which extend no less than from the lakes, inclusive, to the South Sea. Missilimakinac is theirs. They have taken its latitude; have been to trade there with our Outawas and Huron Indians, who received them cordially on account of the bargains they gave." Denonville pleads for definite information from the court, relative to the French claims, based on "a great many discoveries that have been made in this country, with which our registers ought to be loaded." As usual, however, nothing was then done to check the fast-opening bud of English aspirations. Versailles waited until it had grown into a stout tree.

By the close of the first quarter of the eighteenth century Englishmen were conducting a profitable but adventurous fur-trade upon the upper lakes and upon the Wabash and elsewhere throughout the Ohio basin, even as far south as the Creek towns on the sources of the Tennessee. Virginia and Pennsylvania were also beginning to exhibit interest in their own overlapping transmontane claims. It had always been asserted that the charters of the coast colonies carried their bounds far into the hinterland; but in an earlier period the contention seemed idle, for the

west was not then needed. Now that their citizens were creeping over the Alleghanies and meeting opposition on western waters, it seemed worth while formally to deny French ownership of the West. The king was, in 1721, requested by the Lords of Trade, on the recommendation of Governor Keith of Pennsylvania, to "fortify the passes on the back of Virginia"; also to build forts upon the Great Lakes, in order to "interrupt the French communication from Quebec to the River Mississippi." But England herself was as yet in no hurry; she could afford to play a waiting game. Outside of the official class, the West was to tide-water provincials but a misty region; hence, for a generation longer, the rival forest traders were allowed to fight it out among themselves.

In 1729, however, an official step towards strengthening the French position was taken by the chief engineer of New France, Chaussegros de Léry, at the head of a small military reconnaissance which, during a lull in Iroquois opposition, proceeded to the Ohio over the Chataqua portage, and surveyed the river down to the mouth of the Great Miami. Up to this time the French, familiar with the country eastward, had not penetrated much farther to the northwest than the shores of lakes Superior and Nepigon. In common with the English, however, they were showing a renewed interest in seeking the supposititious waterway through the American continent that should more closely unite Europe with China and India. Between 1719 and 1747 the Hudson's Bay Company, reluctantly spurred by popular demand, made several half-hearted attempts to discover the Northwest Passage, which many thought to emerge from the western shore of Hudson Bay.

During the same period the explorers of New France busied themselves with similar projects. In 1720 the Jesuit traveller and historian, Father Charlevoix, was despatched from France on a tour of observation with this end in view. After visiting the Mississippi Valley and talking with traders and Indians, he did not think a continuous waterway practicable, but recommended to the court two trade-routes across the continent. One of these was to result from an exploration of the Missouri to its source, thence reaching the Pacific by means of some west-flowing river — the identical plan which Thomas Jefferson proposed to George Rogers Clark in 1783, and which President Jefferson successfully inaugurated twenty years later through the agency of Meriwether Lewis and Clark's younger brother

William. The other plan was to establish a line of posts among the Sioux of the plains, and thus creep into and across the interior. This latter project was adopted; but nothing further resulted than the erection (1727) of a post on Lake Pepin, on the upper Mississippi, which was soon abandoned owing to a fresh outbreak of the hostile Foxes, who held the Fox-Wisconsin waterway.

About the time of the abandonment of this scheme, the commander at Lake Nepigon was Pierre Gaultier de Varenne, Sieur de la Vérendrye. His imagination fired by the optimistic reports of Indians, whose notions of geography were often quite vague, he conceived a plan for seeking the Pacific by means of the vast network of lakes and rivers that stretches westward from Lake Superior by way of Pigeon River, Lake of the Woods, Rainy Lake and River, Lake Winnipeg, the Assiniboin, and the Saskatchewan. His report that the ocean might thus be reached within five hundred leagues from Lake Superior won powerful official support; he was accordingly granted a monopoly of the fur-trade north and west of Lake Superior, upon the supposed profits of which he was to undertake extensive exploring expeditions.

Vérendrye suffered from the customary fickleness of court patronage, and through the machinations of rivals soon found himself neglected and a bankrupt. Nevertheless, with marvellous energy and perseverance, he had by the year 1738 established what was officially styled the "Post of the Western Sea," a line of six "forts built of stockades . . . that can give protection only against the Indians . . . and trusted generally to the care of one or two officers, seven or eight soldiers, and eighty *engagés*. From them the English movements can be watched" and "the discovery of the Western Sea may be accomplished." These outposts were St. Pierre on Rainy Lake, St. Charles on Lake of the Woods, Maurepas at the mouth of the Winnipeg, Bourbon on the east shore of Lake Winnipeg, La Reine on the Assiniboin, and Dauphin on Lake Manitoba; to them Vérendrye's successor, St. Pierre, added La Jonquière on the upper Saskatchewan, near the site of the modern Calgary. It was from La Reine that Vérendrye's son Pierre, known as the chevalier, made a famous expedition which resulted, on New Year's Day, 1743, in sighting the Bighorn Range, a hundred and twenty miles east of Yellowstone Park, long accounted the first view of the Rockies by white men.

These explorations in the northwest, accom-

panied as they were by incidents which would make a thrilling volume of wilderness adventure, furnished a stirring object-lesson for the young men of France. They served a still stouter purpose in preserving the life of the colony. During much of the time from 1682 until the British conquest, and especially after 1712, the most important trade-route to the Mississippi, the Fox-Wisconsin waterway, was closed to the French, owing to the "bad heart" of the Fox Indians and their allies. At times the Foxes entered into compacts which, combined with the Iroquois barrier on the upper Ohio, practically closed the Mississippi from the north and east. Numerous and costly military expeditions against this formidable enemy were of small avail. The fur-trade of the West, so essential to the life of New France, was nearly paralyzed; the people of the Illinois, on the farther side of the barrier, had become almost exclusively patrons of the southern trade; profitable fur-bearing animals had retreated from the hunters farther and farther inland; and now little was left to the forest merchants of Quebec and Montreal save the peltries

snatched from the barren lands of the far northwest.

For a generation the "Post of the Western Sea" caused grave concern among the "smug ancient gentlemen" of the Hudson's Bay Company. The southern half of the enormous territory which Charles had so freely granted to them was dominated by the adventurous French, who not only alienated the confidence of the tribesmen, but won the native trade. Rivalry such as this was farther-reaching than when the Canadians held the shore forts upon the bay and attempted to operate them from the sea, for the latter were now in their element as wilderness rangers. Moreover, the men of France now had at their back a chain of forts quite stout enough for immediate needs, stretching across the continental interior like a gigantic letter T, its horizontal bar a transcontinental system extending from the Gulf of St. Lawrence to the head-waters of the Saskatchewan, and its stem commanding the entire length of the Mississippi River and its approaches. The outlook for the English was not encouraging.

IV

Seeking Indian Support

PEACE COULD NOT LONG be maintained between the French and English, and King George's War broke out in 1744. It lasted four years. The English and French colonials played an important part in the war. New Englanders captured Louisbourg, the great French stronghold on Cape Breton Island, but this was returned to the French in the Treaty of Aix-la-Chapelle. Before, during, and after this conflict, the Indians had an important role in the struggle for imperial control of North America. England resorted to presenting gifts of munitions, hardware, and textiles to retain the support of the Indians in the Ohio Valley. The French, as Wilbur R. Jacobs avers, could not match the large English gifts and used force as a means of subduing the western Indians. After the French, aided by some Algonquian warriors, destroyed Pickawillany, an Indian village on the Miami River friendly to the English, Governor Dinwiddie of Virginia pleaded successfully with the Board of Trade for more gifts for the friendly Indians. The English found it profitable to continue this policy. This method of winning Indian support has been described by Jacobs in his book, *Diplomacy and Indian Gifts*.⁷

ANGLO-FRENCH COMPETITION in giving presents to the Iroquois and their allies had been carried

⁷ Reprinted from *Diplomacy and Indian Gifts* by Wilbur R. Jacobs with the permission of the author and of the publishers, Stanford University Press. Pp. 115-119.

on peacefully from the time of the Treaty of Aix-la-Chapelle in 1748 through the year 1751. From this time on, however, certain events transpired to bring to an end this period of peaceful competition. A new governor, Robert Dinwiddie,

energetically took over the reins of leadership for the colony of Virginia and made extensive plans for new treaties and presents for the Ohio tribes. Furthermore, the Ohio Company's far-reaching scheme for the settlement of Western lands became a part of Virginia's plan for the "purchasing" of native lands with gifts of merchandise. These factors combined with the activities of the traders to bring increasing pressure upon the French. As a result, the French, with their backs against the wall, were forced to use more aggressive measures in dealing with the Indians.

This period of force began with the fall of Pickawillany in June 1752, and ended with the capitulation of Washington at Fort Necessity in July 1754. Violence began this era in the contest for the control of the New World — violence which finally resulted in the Seven Years' War. From the beginning to the end of the period huge British gifts of textiles, hardware, and munitions were poured upon the Ohio Iroquois and their confederates. The French, on the other hand, unable to compete with such large gifts, simply resorted to force as a method of subduing the Indians — and not without success.

The first step necessary to restore French prestige among the Ohio Indians and those of Lake Erie was to crush the budding British-Miami alliance. According to the enthusiastic reports of Robert Dinwiddie, the new lieutenant governor of Virginia, the Miamis (called Twightwees by the English) were a vast confederacy capable of mustering ten thousand fighting men. In 1748, at Lancaster, the Twightwees had consummated an alliance with the British; and by the early part of 1752, La Demoiselle openly declared that he was against the French and for the British alliance. French representatives along the Ohio stated that by 1752 all the Indians along what they called the Beautiful River were sympathetic to the English. In fact, it had become dangerous for the French even to venture near Pickawillany. The French had found this situation to be true when two soldiers were scalped for their carelessness in exposing themselves near the Twightwee town. Such was the state of affairs that had been brought about by the factor of British goods being handed out competitively as gifts and being utilized as articles of trade.

A French attack upon Pickawillany would have a twofold significance. Valuable British goods could be confiscated and La Demoiselle's Indian village could be eliminated as a center of conspiracy. Even as the trader William Trent tramped over the dry stream beds during the

summer's heat of 1752 to bring a present of goods to Old Briton's village, the French decided to act. Virginia's present reached Pickawillany, but Old Briton was not alive to receive it. The astute French had deceived the Twightwees by bestowing on them a French coat and some wampum as a token of good will. Then, after the natives had relaxed their vigilance and the majority of the warriors had gone out hunting, a force of two hundred forty French and Indians swooped down upon the defenseless village on June 21, 1752.

The attacking party of French Indians had received a present of two belts of wampum from the governor of Canada and instructions to confiscate English goods and to kill the Indians allied with the English; but they were told not to murder the English traders if this could be avoided. These instructions were observed in part. In their plundering after the victory, however, the attacking Algonquian Indians exhibited great savagery. When William Trent arrived, he found the village in deep mourning; Old Briton, the Piankashaw "king," had been boiled and eaten only a few yards away from the settlement.

As an expression of the sympathy of the Virginia government, Trent bestowed a scarlet cloak upon Old Briton's young son. A complete outfit of clothes was prepared and presented to the widow of the slain chief. In distributing the remainder of the goods, Trent allotted hats, shirts, stockings, and jackets to the young Piankashaw "king," to the Turtle or Musheguanockgue, and to two other Twightwee leaders.

William Trent expected an Iroquois declaration of war as a result of this massacre. Even the *Maryland Gazette* reported that the Six Nations were exasperated and that those tribes living on the Ohio had declared war on the attacking French Indians, vowing not to leave one of them alive. Tomahawks and black wampum were passed among the Indians, and nothing was heard but talk of "blood and revenge." Despite such rumors, however, the Iroquois did not declare war. Thus the French had successfully punished the rebellious Twightwees.

After receiving the sad news of the massacre from Thomas Burney, one of the two traders who escaped from Pickawillany, both Virginia and Pennsylvania made condolence presents to their faithful allies. When Robert Dinwiddie received this "intelligence," which was confirmed by William Trent's journal, the Virginia Governor immediately wrote to the Board of Trade. Enclosing a tentative list of goods to be used as

presents and a copy of Trent's journal, he pleaded the urgency of appropriating money from quitrents to cover the costs of gifts. The Virginia Governor gave the ordering of presents the same attention that characterized this administration in other matters. This is illustrated in his "Sketch of goods suitable for a Present." Here proportions of each item, from strouds and half-thicks to bed lace and linens, were specified. True to his Scot ancestry, Dinwiddie even divided the various "pieces" of garlix into fractions to be used to fashion shirts for men and women.

Dinwiddie's correspondence also partially reveals how the new Governor became further acquainted with the needs of the Indians. Shortly after Dinwiddie's arrival in Virginia, Thomas Cresap, the Maryland frontiersman, wrote to inform the new Governor of the method of giving wampum and of inviting the Indians to a council. At this time, Cresap also recommended Andrew Montour as a person of good character and a capable interpreter, who was much be-

loved by the Indians. It was, therefore, a well-informed governor who dispatched the trader, Thomas Burney, to the Twightwees with a wampum message stating that Virginia would send presents of arms, powder, and clothing in the spring of 1753. So great was Dinwiddie's faith in presents that he declared that he knew of no better method of securing the friendship of the Indians than by the use of gifts.

The Board of Trade, fully aware that the powerful Twightwee confederacy was important for the security of the colonies and for the protection of trade and commerce, voted a sum, not to exceed £1,000, to be used for gifts. This amount was to be taken out of the revenue received from the tax of two shillings per hoghead of tobacco exported. In Dinwiddie's own words, the Board of Trade acknowledged that the most effectual way to gain the friendship of the Indians was by " . . . making them presents. . . ."

V

The Final Phase of the Conflict

THE FRENCH AND INDIAN WAR represented the final phase of the struggle between England and France in North America. The westward expansion of both powers, particularly in the Ohio Valley, brought on a decisive war. Beginning in 1754, the English suffered one defeat after another. In 1758, however, England captured Louisbourg, Fort Frontenac, and Fort Duquesne; in 1759 and 1760 Quebec and Montreal, respectively, fell into English hands. By 1760 England had demonstrated her superiority and she was able to dictate peace terms in 1763.

I. A CONTRAST OF ENGLISH AND FRENCH SETTLEMENT

Compact settlement, political maturity, and economic growth in the English colonies were among the factors which contributed to France's defeat in the French and Indian War. Herbert L. Osgood in his monumental four volume study of the American colonies has shown clearly how differently the French and English colonies had developed by the mid-eighteenth century.⁶ These differences were to have a

fundamental effect on the outcome of the French and Indian War.

IN THE PROCESS of colonization, expansion, or empire building, by whatever name it is described, land and trade are the two impersonal objects sought, while increase in the number of the populations involved, with their physical and spiritual improvement, and that of the world at large, is the only justifiable and ultimate goal of the effort. A treatment of the subject which throws any one of these three elements into the foreground, to the neglect or undue obscuring of the others, is one sided and inadequate. In tracing the development of the Anglo-American

⁶ Herbert L. Osgood, *The American Colonies in the Eighteenth Century* (New York: Columbia University Press, 1924). IV, pp 280-85. Used by permission of the publishers

colonies during the eighteenth century we have now reached a point where the influence resulting from the slow but steady expansion of more than a century began to make itself decisively felt upon the question of the balance between the French and the British on the continent. The colonies of both nations had been expanding, but in different ways, and by virtue of this the character of the two movements had been made apparent. The expansion of the French had been the result of exploration and trade, following the river and lake systems of the St. Lawrence and Mississippi and extending through vast spaces in the interior of the continent. It had started from the lower St. Lawrence and extended westward through the region of the Great Lakes and thence down the Ohio and Mississippi to the Gulf of Mexico. There the province of Louisiana had been founded, and from Mobile and New Orleans as centres a reflex movement up the Mississippi and northeastward toward the Carolinas had been started. The two had met in the Illinois country and as the result a chain of trading posts had been established connecting Canada and Louisiana. The process had been a quiet and a rapid one and its effect seemed to be to block the westward advance of the British and to preempt the interior of the continent for the French. Such was the hope of the French when, by the middle of the century, this stage in the process had been reached. It was also the fear of the leaders among the British when, at the same time, they awoke to a sense of what had been accomplished.

Viewed superficially, the achievement of the French was brilliant and impressive. It had been carried to success by means of the fur trade with the Indian tribes of the Great Lakes and upper Mississippi. With an irresistible passion for the wild and lawless life of the forest, the most active and adventurous part of the male population of Canada rushed into the fur trade and spread themselves in small and widely detached bodies throughout the interior of the continent. Neither the restraints of the Church or the government, nor the monopoly of trading companies, could control or regulate their action. Wherever they went they spread among the natives the blighting influence of French brandy and lust, and with a total disregard of the conditions of the market cooperated with the savages in the rapid reduction or exhaustion of the stock of fur-bearing animals throughout large sections of the west. A few priests and soldiers followed in the wake of the *coureurs de bois* and a chain

of trading posts, located at strategic centres, was established. In this way, and by means of such treaties and alliances with the Indians as accompanied the process, the claims of the French were extended over vast areas, but such occupation of the soil or spread of population as to give a firm support to the claims was not effected. The agriculturists, the substantial part of the Canadian population, were confined to the lower St. Lawrence valley and there they remained. Scarcely any foreign trade developed, furs and certain minor products being exported to France. The population never even reached a hundred thousand in number and their rate of increase, rapid though it was, was never such as to enable them to spread far into the interior. Above Montreal settlements were very scattering. The European French have never been a migrating people and, after the Huguenots had been excluded from New France, there was no longer a chance for a large influx of people from the Old World. The portals of New France were even more closely barred against the victims of old world persecution than were those of New England, and it was from this class that America received its largest and most valuable reinforcement. It therefore follows that French colonization in North America, romantic, daring, bold in conception and execution though it was, favored also by certain great natural advantages, as a political and social fabric was weak and unsubstantial. The government of the French possessed the military strength which results from autocracy; such strength as comes from perfect unity and the exclusion or repression of all dissent belonged to its religion. But notwithstanding these, Canada found its chief protection in its inaccessibility, in the frigid cold of its long winters, and in the almost impregnable strength of the citadel at Quebec. Louisiana and the Illinois Country did not seriously count. For military purposes their imposing array of Indian allies, though necessary, were quite as much a source of weakness as of strength. When it came to the final test, the chief contribution of the west was the *coureurs de bois* who came back to fight for the lilies of France.

The propriety, reason or necessity for the long struggle between the French and British for supremacy in Europe and in the world outside has been touched upon elsewhere and need not detain us here. What concerns us now is the position of the British colonies on the North American continent as compared with the dependencies of France. The word "type" has been

borrowed from the natural sciences to indicate what is characteristic in social and political organization. So far as that term is applicable, it may be used here, though in a very general sense, briefly and upon a subject the general nature of which is well known. No fact is more familiar than this, that in all important respects the British colonies were the opposite of the French. They were situated along the Atlantic seaboard, within a temperate region as to climate, exposed to approach from abroad and dominated by no single river system. They had been settled at a variety of different centres along a coast a thousand miles in length, and by colonists who were moved by a variety of motives. A multiple system of colonies, instead of a single province, had resulted. The settlers became mainly agriculturists on a large or small scale. Certain trade centres developed, through which an active commerce not only with Great Britain but with other parts of the world was carried on. The fur trade was also prosecuted in various degrees in all the colonies.

From those regions which lay adjacent to the frontier large numbers of fur traders were continuously sent into the wilderness, and the morals which they exhibited and the methods which they pursued were not essentially different from those of the French, except that they usually failed to conceal in any manner their brutality or dishonesty by the *bonhomme* which made the Gaul so attractive. The grossness of the Englishman or Dutchman was not usually relieved by a show of wit or manners. With the British, as with the French, Indian relations were closely connected with the fur trade, especially so far as they affected the remoter tribes. The alliance with the Iroquois also rested to a large extent on this trade. But in the case of nearly all the colonies the extension of settlement and pressure of population, steadily encroaching on the hunting grounds of the natives, constituted the most important element in the problem. The British advanced slowly but steadily, like an organized army, toward the west, and only now and then planted a trading post, like Oswego, some distance in advance of the main line of settlement. Until a late period they had little knowledge of the interior, and showed little curiosity concerning it. They were not bold explorers, but rested their claims on the original sea to sea charters rather than on expeditions along the water ways of the west and the planting of trading posts at remote points.

To a certain extent the principles on which

their government rested were autocratic, but these as time went on were more and more obscured by the influence of the representative assemblies and the policies of self government which in all the colonies emanated from them. Though the English, Scotch and Scotch Irish, with other components which made up the mass of the colonists, were combative by nature, made so by their religion and their inherited ideas and qualities in general, they were also strongly individualistic and frugal. They had not been reared under the military monarchies of the continent of Europe and, unlike the French, were not accustomed to move at the word of command. Their assemblies controlled the purse and in the great majority of cases, where the assemblies did not control the government, strained relations existed between them and the colonial executives. The pressure exerted by the imperial government in support of its executives was weak and ineffective. Therefore the forces which tended toward military efficiency were not strong, and the crude militia systems which were established when the colonies were founded continued essentially unchanged. The particularism of the different colonies, as directly expressed through the assemblies, made it very difficult, it not impossible, for them to unite in joint measures of offence or even of defence, unless they were directly imperilled. No machinery for securing joint action among them had yet been devised, and in time of need the only resort was to exhortations by the British government, requisitions in the form of quotas, and occasionally direct military assistance from the same quarter. In no respect was the difference between the French and the British in North America greater than in the adaptability of their political systems to the effective prosecution of war. So far inferior were the British to the French in this respect that, though in natural combativeness the two peoples were not unlike, it went far to counteract a superiority on the part of the British in population of about fifteen to one.

As the middle of the eighteenth century approached, the expansion of these two peoples had reached a point where they became fully conscious of each other's presence. As they believed themselves to be natural enemies, and that, as it were, by divine decree fitly reflected in the terrestrial order, the only natural relation between them was one of hostile rivalry, and each began to protect itself according to the approved methods of the time against its opponent.

This method involved rapid and decisive advance or aggression at pivotal points or along lines where frontiers approached most closely. The object of this was to seize desirable territory, confirm the hold on trade routes, favorably influence the Indian tribes and thus confirm and extend trade relations and treaties of alliance with them. All this was done with about equal rapidity by both the British and French during the years which immediately followed the treaty of Aix la Chapelle. While commissioners at Paris were vainly trying to find an adjustment of boundaries which might be permanent, soldiers and traders under authority from their governments were pushing forward and upsetting previous arrangements. As events rapidly succeeded one another, it became evident that, though the last war had been sluggish, the peace which concluded it was likely to be only a brief truce, and the slow gathering of forces in the wilderness and along the frontier, as well as in Europe, was preparing for a more decisive struggle than any which had preceded. . . .

2. THE TREATY OF PARIS, 1763

*The Treaty of Paris ended the struggle between England and France in America which had continued for nearly three-quarters of a century. The terms of the treaty show how completely victorious the British had been in the conflict.*⁷

IV. HIS MOST CHRISTIAN MAJESTY renounces all pretensions, which he has heretofore formed, or might form, to Nova Scotia or Acadia, in all its parts, and guaranties the whole of it, and with all its dependencies, to the King of Great Britain; moreover, his most Christian Majesty cedes and guaranties to his said Britannic Majesty, in full right, Canada, with all its dependencies, as well as the Island of Cape Breton, and all the other islands and coasts, in the gulph and river St. Laurence, and, in general, every thing that depends on the said countries, lands, islands, and coasts, with the sovereignty, property, possession, and all rights, acquired by treaty or otherwise, which the most Christian King, and the crown of France, have had till now over the said countries, islands, lands, places, coasts, and their inhabitants, so that the most Christian King cedes

and makes over the whole to the said King, and to the crown of Great Britain, and that in the most ample manner and form, without restriction, and without any liberty to depart from the said cession and guaranty, under any pretence, or to disturb Great Britain in the possessions above-mentioned. His Britannic Majesty, on his side, agrees to grant the liberty of the Catholic religion to the inhabitants of Canada: he will consequently give the most precise and most effectual orders, that his new Roman Catholic subjects may profess the worship of their religion, according to the rites of the Romish church, as far as the laws of Great Britain permit. His Britannic Majesty further agrees, that the French inhabitants, or others who had been subjects of the most Christian King in Canada, may retire, with all safety and freedom, wherever they shall think proper, and may sell their estates, provided it be to subjects of his Britannic Majesty, and bring away their effects, as well as their persons, without being restrained in their emigration, under any pretence whatsoever, except that of debts, or of criminal prosecutions: the term limited for this emigration shall be fixed to the space of eighteen months, to be computed from the day of the exchange of the ratifications of the present treaty.

V. The subjects of France shall have the liberty of fishing and drying, on a part of the coasts of the Island of Newfoundland, such as it is specified in the XIIIth article of the treaty of Utrecht; which article is renewed and confirmed by the present treaty (except what relates to the island of Cape Breton, as well as to the other islands and coasts in the mouth and in the gulph of St. Laurence:) and his Britannic Majesty consents to leave to the subjects of the most Christian King the liberty of fishing in the gulph St. Laurence, on condition that the subjects of France do not exercise the said fishery but at the distance of three leagues from all the coasts belonging to Great Britain, as well those of the continent, as those of the islands situated in the said gulph of St. Laurence. And as to what relates to the fishery on the coasts of the island of Cape Breton out of the said gulph, the subjects of the most Christian King shall not be permitted to exercise the said fishery but at the distance of fifteen leagues from the coasts of the island of Cape Breton; and the fishery on the coasts of Nova Scotia or Acadia, and every where else out of the said gulph, shall remain on the foot of former treaties.

VI. The King of Great Britain cedes the

⁷ The selection from William MacDonald, *Select Charters and Other Documents Illustrative of American History, 1606-1775*. Copyright, 1899, by The Macmillan Company and used with The Macmillan Company's permission. Pp. 262-266.

islands of St. Pierre and Miquelon, in full right, to his most Christian Majesty, to serve as a shelter to the French fishermen: and his said most Christian Majesty engages not to fortify the said islands; to erect no building upon them, but merely for the convenience of the fishery; and to keep upon them a guard of fifty men only for the police.

VII. In order to re-establish peace on solid and durable foundations, and to remove for ever all subject of dispute with regard to the limits of the British and French territories on the continent of America; it is agreed, that, for the future, the confines between the dominions of his Britannic Majesty, and those of his most Christian Majesty, in that part of the world, shall be fixed irrevocably by a line drawn along the middle of the river Mississippi, from its source to the river Iberville, and from thence, by a line drawn along the middle of this river, and the lakes Maurepas and Pontchartrain, to the sea; and for this purpose, the most Christian King cedes in full right, and guaranties to his Britannic Majesty, the river and port of the Mobile, and every thing which he possesses, or ought to possess, on the left side of the river Mississippi, except the town of New Orleans, and the island on which it is situated, which shall remain to France; provided that the navigation of the river Mississippi shall be equally free, as well as to the subjects of Great Britain as to those of France, in its whole breadth and length, from its source to the sea, and expressly that part which is between the said island of New Orleans and the right bank of that river, as well as the passage both in and out of its mouth. It is further stipulated, that the vessels belonging to the subjects of either nation shall not be stopped, visited, or subjected to the payment of any duty whatsoever. The stipulations, inserted in the IVth article, in favour of the inhabitants of Canada, shall also take place with regard to the inhabitants of countries ceded by this article.

VIII. The King of Great Britain shall restore to France the islands of Guadeloupe, of Marie Galante, of Desirade, of Martinico, and of Belleisle; and the fortresses of these islands shall be restored in the same condition they were in when they were conquered by the British arms; provided that his Britannic Majesty's subjects, who shall have settled in the said islands, or those who shall have any commercial affairs to settle there, or in the other places restored to France by the present treaty, shall have liberty to sell their lands and their estates, to settle their

affairs, to recover their debts, and to bring away their effects, as well as their persons, on board vessels, which they shall be permitted to send to the said islands, and other places restored as above, and which shall serve for this use only, without being restrained on account of their religion, or under any other pretence whatsoever, except that of debts or of criminal prosecutions: and for this purpose, the term of eighteen months is allowed to his Britannic Majesty's subjects, to be computed from the day of the exchange of the ratifications of the present treaty; but, as the liberty, granted to his Britannic Majesty's subjects, to bring away their persons and their effects, in vessels of their nation, may be liable to abuses, if precautions were not taken to prevent them; it has been expressly agreed between his Britannic Majesty and his most Christian Majesty, that the number of English vessels, which shall have leave to go to the said islands and places restored to France, shall be limited, as well as the number of tons of each one; that they shall go in ballast; shall set sail at a fixed time; and shall make one voyage only, all the effects, belonging to the English, being to be embarked at the same time. It has been further agreed, that his most Christian Majesty shall cause the necessary passports to be given to the said vessels; that, for the greater security, it shall be allowed to place two French clerks, or guards, in each of the said vessels, which shall be visited in the landing places and ports of the said islands, and places, restored to France, and that the merchandise, which shall be found therein, shall be confiscated.

IX. The most Christian King cedes and guarantees to his Britannic Majesty, in full right, the islands of Grenada, and of the Grenadines, with the same stipulations in favour of the inhabitants of this colony, inserted in the IVth articles for those of Canada: and the partition of the islands, called Neutral, is agreed and fixed, so that those of St. Vincent, Dominica, and Tobago, shall remain in full right to Great Britain, and that of St. Lucia shall be delivered to France, to enjoy the same likewise in full right; and the high contracting parties guaranty the partition so stipulated.

XVII. His Britannic Majesty shall cause to be demolished all the fortifications which his subjects shall have erected in the Bay of Honduras, and other places of the territory of Spain in that part of the world, four months after the ratification of the present treaty: and his Catholic

Majesty shall not permit his Britannic Majesty's subjects, or their workmen, to be disturbed or molested, under any pretence whatsoever, in the said places, in their occupation of cutting, loading, and carrying away logwood: and for this purpose, they may build without hindrance, and occupy without interruption, the houses and magazines which are necessary for them, for their families, and for their effects: and his Catholic Majesty assures to them, by this article, the full enjoyment of those advantages, and powers, on the Spanish coasts and territories, as above stipulated, immediately after the ratification of the present treaty.

XVIII. His Catholic Majesty desists, as well for himself, as for his successors, from all pretension, which he may have formed, in favour of the Guipuscoans, and other his subjects, to the right of fishing in the neighbourhood of the island of Newfoundland.

XIX. The King of Great Britain shall restore to Spain all the territory, which he has conquered in the island of Cuba, with the fortress of the Havana, and this fortress, as well as all the other fortresses of the said island, shall be restored in the same condition they were in when conquered by his Britannic Majesty's arms; [with conditions and restrictions, as to persons and property, similar to those in Art. VIII.]

XX. In consequence of the restitution stipulated in the preceding article, his Catholic Majesty cedes and guaranties, in full right, to his Britannic Majesty, Florida, with Fort St. Augustin, and the Bay of Pensacola, as well as all that Spain possesses on the continent of North America, to the east, or to the south-east, of the river

Mississippi; and, in general, every thing that depends on the said countries, and lands, with the sovereignty, property, possession, and all rights, acquired by treaties or otherwise, which the Catholic King, and the crown of Spain, have had, till now, over the said countries, lands, places, and their inhabitants; so that the Catholic King cedes and makes over the whole to the said King, and to the crown of Great Britain, and that in the most ample manner and form. His Britannic Majesty agrees, on his side, to grant to the inhabitants of the countries, above ceded, the liberty of the Catholic religion: he will consequently give the most express and the most effectual orders, that his new Roman Catholic subjects may profess the worship of their religion, according to the rites of the Romish church, as far as the laws of Great Britain permit: his Britannic Majesty further agrees, that the Spanish inhabitants, or others, who had been subjects of the Catholic King in the said countries, may retire, with all safety and freedom, wherever they think proper; and may sell their estates, provided it be to his Britannic Majesty's subjects, and bring away their effects, as well as their persons, without being restrained in their emigration, under any pretence whatsoever, except that of debts, or of criminal prosecutions: the term limited for this emigration being fixed to the space of eighteen months, to be computed from the day of the exchange of the ratifications of the present treaty. It is moreover stipulated, that his Catholic Majesty shall have power to cause all the effects, that may belong to him, to be brought away, whether it be artillery or other things.

Chapter Three

Strains on the Empire, 1763-1774



Colonial Antagonism to the Tea Act

GREAT BRITAIN'S acquisition of the major portion of French colonial possessions in North America presented her with administrative and financial problems which placed great strains on the Empire. The British sought to solve some of their administrative problems in America by establishing the provinces of Quebec, East Florida, and West Florida. They also created an Indian reservation between Quebec and the Floridas, arousing colonial antagonism because it threatened several sea to sea colonial grants.

Next Great Britain attacked her financial problem. The French and Indian War had left the British with a heavy debt. It seemed logical to English statesmen that the colonies should bear at least part of the expense of removing the French menace from North America, as well as to help with future administrative costs. The Sugar and Stamp Acts were both designed to raise revenue. These English measures aroused strong protests among the colonies and gave rise to the question of colonial constitutional rights. American reaction expressed itself in the Stamp Act Congress, in boycotting British goods, in

pamphlet literature, and in the formation of the Sons of Liberty. The English temporarily appeased the colonists by repealing the Stamp Act, and calm was restored.

However, the Townshend Duty Act of 1767, designed both to raise revenue and to regulate trade, again raised the question of Parliament's power to tax the colonists. This law seemed especially dangerous because the revenue was to be used "where it shall be found necessary" to support the provincial governments. More protests followed and the feeling prevailed that these tax measures had "a manifest tendency to subvert the rights and liberties of the colonists."

The Boston Massacre of March 5, 1770, placed further strains on English-Colonial relations, and the activities of radicals like Samuel Adams and Patrick Henry helped to keep alive anti-British sentiment. The Tea Act of 1773, followed by the Boston Tea Party, created additional trouble. The British now decided to meet force with force and passed the Coercive Acts. By 1774 the bond of union was near the breaking point.

I

Royal Proclamation Concerning America,

October 7, 1763

ONE OF THE FIRST STRAINS on the empire came with the royal proclamation of October 7, 1763, by which boundaries were assigned to Quebec, East Florida, West Florida, and Grenada, and by which also the fishery of Labrador and that vicinity was placed under the government of Newfoundland. General assemblies were to be summoned as soon as feasible and land grants were to be made to settlers. The failure to respect the earlier sea to sea grants of five of the colonies by establishing an Indian reservation west of the Alleghenies and barring white settlers from the reservation caused much protest. An extract from this proclamation is given below.¹

WHEREAS we have taken into our royal consideration the extensive and valuable acquisitions in America, secured to our crown by the late definitive treaty of peace concluded at Paris the 10th day of February last; and being desirous that all our loving subjects, as well of our kingdoms as of our colonies in America, may avail themselves, with all convenient speed, of the great benefits and advantages which must accrue therefrom to their commerce, manufactures, and navigation; we have thought fit, with the advice of our privy council, to issue this our royal proclamation, hereby to publish and declare to all our loving subjects, that we have, with the advice of our said privy council, granted our letters patent under our great seal of Great Britain, to erect within the countries and islands, ceded and confirmed to us by the said treaty, four distinct and separate governments, stiled and called by the names of Quebec, East Florida, West Florida, and Grenada, and limited and bounded as follows, viz.

First, the government of Quebec, bounded on the Labrador coast by the river St. John, and from thence by a line drawn from the head of that river, through the lake St. John, to the South end of the lake Nipissim; from whence the said line, crossing the river St. Lawrence and the Lake Champlain in 45 degrees of North lati-

tude, passes along the High Lands, which divide the rivers that empty themselves into the said river St. Lawrence, from those which fall into the sea; and also along the North coast of the Bayes des Chaleurs, and the coast of the Gulph of St. Lawrence to Cape Rosieres, and from thence crossing the mouth of the river St. Lawrence by the West end of the island of Anticosti, terminates at the aforesaid river St. John.

Secondly, The government of East Florida, bounded to the Westward by the Gulph of Mexico and the Apalachicola river; to the Northward, by a line drawn from that part of the said river where the Catahoochee and Flint rivers meet, to the source of St. Mary's river, and by the course of the said river to the Atlantic Ocean; and to the East and South by the Atlantic Ocean, and the Gulph of Florida, including all islands within six leagues of the sea coast.

Thirdly, The government of West Florida, bounded to the Southward by the Gulph of Mexico, including all islands within six leagues of the coast from the river Apalachicola to lake Pontchartrain; to the Westward by the said lake, the lake Maurepas, and the river Mississippi; to the Northward, by a line drawn due East from that part of the river Mississippi which lies in thirty-one degrees North latitude, to the river Apalachicola, or Catahoochee; and to the Eastward by the said river. . . .

And whereas it is just and reasonable, and essential to our interest, and the security of our colonies, that the several nations or tribes of Indians, with whom we are connected, and who

¹ The selection from William MacDonald, *Select Charters and Other Documents Illustrative of American History, 1606-1775*. Copyright, 1899, by The Macmillan Company and used with The Macmillan Company's permission. Pp. 267-271.

live under our protection, should not be molested or disturbed in the possession of such parts of our dominions and territories as, not having been ceded to, or purchased by us, are reserved to them, or any of them, as their hunting grounds; we do therefore, with the advice of our privy council, declare it to be our royal will and pleasure, that no governor, or commander in chief, in any of our colonies of Quebec, East Florida, or West Florida, do presume, upon any pretence whatever, to grant warrants of survey, or pass any patents for lands beyond the bounds of their respective governments, as described in their commissions; as also that no governor or commander in chief of our other colonies or plantations in America, do presume for the present, and until our further pleasure be known, to grant warrant of survey, or pass patents for any lands beyond the heads or sources of any of the rivers which fall into the Atlantic Ocean from the west or north-west; or upon any lands

whatever, which not having been ceded to, or purchased by us, as aforesaid, are reserved to the said Indians, or any of them.

And we do further declare it to be our royal will and pleasure, for the present, as aforesaid, to reserve under our sovereignty, protection, and dominion, for the use of the said Indians, all the land and territories not included within the limits of our said three new governments, or within the limits of the territory granted to the Hudson's Bay company; as also all the land and territories lying to the westward of the sources of the rivers which fall into the sea from the west and north-west as aforesaid, and we do hereby strictly forbid, on pain of our displeasure, all our loving subjects from making any purchases or settlements whatever, or taking possession of any of the lands above reserved, without our special leave and licence for that purpose first obtained. . . .

II

America Questions British Authority—First Phase

THE SUGAR ACT OF 1764, which produced only a small fraction of the revenue needed for "protecting, defending, and securing" the colonies, was followed by the Stamp Act of March 22, 1765, an act which required the payment of specific taxes for using certain forms of legal and business papers. There was a very pronounced objection to the stamp taxes in the form of resolutions, pamphlets, and speeches on the ground that the measure was passed by a legislative body in which the people in the colonies, who would have to pay the tax, were not represented. Parliament repealed the measure in 1766.

I. IMPERIAL SECURITY AND INTERNAL TAXATION

An excellent discussion of the Stamp Act has been given by Lawrence Henry Gipson in his book, The Coming of the Revolution, 1763-1775.²

THE EXTENSION of stamp duties to America, as a means of securing a revenue for the support of the Empire, was urged as early as 1722 by Archibald Cummings, surveyor of customs at Boston,

and in 1742 by Sir William Keith, who had been deputy governor of Pennsylvania; in 1754 and 1757 the Newcastle administration had considered such a tax to help meet the financial problems presented by the colonies in the midst of war; and in 1763, soon after Grenville took office, Henry McCulloch, a gentleman with a large interest in Carolina lands, who had acted also as supervisor of royal revenues and land grants in North Carolina but was then in England, suggested to the Treasury a series of stamp duties that he felt would produce in America alone, without regard to the West Indies, some £60,000 sterling per annum. His recommendation doubtless carried weight in persuading the ministers

² Lawrence Henry Gipson, *The Coming of the Revolution, 1763-1775* (New York: Harper & Brothers, 1954), pp. 70-81. Copyright, 1954, by Harper & Brothers. Used by permission of the publishers.

to include in the revenue bill of 1764 a resolution to this end. When Grenville was led to withdraw it for fuller consideration and in order to gather more precise information from America, he was at the same time granted permission by the House of Commons to submit a bill providing for such duties at a later date should he see fit and in case the colonies did not offer a more acceptable revenue plan. It was at this juncture that an unnamed correspondent—possibly it was Richard Jackson, a great friend of the colonies—writing on March 24 from London to a correspondent in America, proposed that the colonies themselves request the tax:

"All the Well-wishers to America are of Opinion that as the Tax in itself is an equitable one, and the least injurious that can be proposed, the several Assemblies should signify their Assent and Desire to that Tax, under the present Exigencies of the State, and the Necessity of the Case, by which they avoid every Appearance of an Infringement of their Liberty, and shew their Inclination to pay the Obedience to a British Parliament, which has the Power to make every Part of its Dominions submit to such Laws as they may think proper to enact; by this Means they will prevent a Precedent from internal Taxes being imposed without their Consent, which will inevitably be the Case next Session, if they withhold their Assent to the Stamp Tax."

Whether or not Richard Jackson wrote this letter, it is clear nonetheless that, while he was opposed to the idea of Parliament itself, without solicitation from America, placing stamp taxes upon the colonials, he had, in the spring of 1764, proposed to Franklin that the colonies should apply to have such duties levied. In his reply the Philadelphian made it perfectly clear that this suggestion would not be favorably received. These are Franklin's words:

"I note what you say of the Colonies applying for a Stamp Act. In my Opinion there is not only no Likelihood that they will generally agree in such an Application, but even that one Colony will propose it to the others. Tho' if a gross Sum were generally requir'd of all the Colonies, and they were left to settle the Mode of raising it at some general Congress, I think it not unlikely that instead of settling Quotas, they would fall on some such general Tax, as a Stamp Act, or an Excise on Rum, etc. or both;—because Quota's would be difficult to settle at first with Equality, and would, if they could be made equal at first, soon become unequal, and never would

be satisfactory; whereas these kind of Taxes would nearly find their own Proportions.—And yet I think I could propose a better mode by far, both for us and for you, if we were together to talk it over. . . ."

Assuming that it were just and proper that the colonies should have some definite share of the total expense of maintaining the defenses of North America, both the Jackson proposal and that of Franklin offered constitutional ways out of a developing impasse. In one case recognition would have been given to the supreme authority of Parliament to levy taxes on America with the express consent of the colonial assemblies; in the other, Parliament would have recognized the right of the colonials to establish a general Congress with exclusive power to levy taxes upon all the inhabitants of the colonies whenever their general welfare seemed to demand such a step. The Jackson approach could have laid the foundation for an imperial Parliament; Franklin's, for the creation of an American federal system, comparable possibly to the present status of the Dominion of Canada. But either solution, carried out in a spirit of harmony, would have demanded exceptional perspicacity as well as the good faith of persons in public life on both sides of the Atlantic. Unfortunately, such perspicacity and such confidence were wanting. The people of the colonies, in fact, failed to see the necessity of acquiescing in the exercise of such powers either by Parliament or by an American congress. Nor is it likely that either the ministry or Parliament would have given a sympathetic reception to the Franklin proposal.

The question of American representation in Parliament—after the manner of the present representation of Algiers and French Guiana in the French Parliament—as a logical if dubious solution seems to have been discussed and seriously considered before the Stamp Act was passed in the spring of 1765. But the ministry, it would appear, was discouraged from making any formal proposal to that end. Certainly it received small encouragement from those in a position in England to speak the mind of America. In fact, Grenville could not find any evidence that the colonies had the least inclination toward such a representation and was made quite aware that there were "many Reasons why they should not desire it." Among the reasons that colonials were prepared to urge, and that apparently had been presented to him, were that, since members of Parliament received no pay,

the expense of sending representatives would fall upon the colonies. Again, the influence of American representatives in Parliament could not possibly be dominant, for they realized that they could not hope to have a majority of the seats in the House of Commons. Finally, they were persuaded that the representatives would be confronted with many serious inconveniences in carrying on their activities in Parliament, both by reason of the fact that the latter would be widely separated from their constituencies and by their lack of familiarity with the English setting. Therefore, when later in the presence of a group of the most influential American London agents, including Richard Jackson, Jared Ingersoll of Connecticut, and Benjamin Franklin of Pennsylvania, Grenville set forth what he had been led to feel were the most important objections of the colonials to representation in Parliament, not a single agent disputed their validity. That they were not mistaken as to the unwillingness of any of the colonies to assume this responsibility was later to be made quite clear as the result of the deliberations of the Stamp Act Congress. In its fourth declaration the Congress rejected this proposed solution in these words: "that the people of these colonies are not, and, from their local circumstances, cannot be represented in the House of Commons in Great Britain."

Other possibilities were considered, among them the plan for a so-called "American Fund" proposed formally by the ministry at the beginning of the late war. But only one colony, South Carolina, even in face of the great emergency, could be prevailed upon to contribute to it. Again, there was the system of requisitions upon the basis of quotas, whereby the ministers could, as had Newcastle and Pitt, call upon the colonial assemblies to provide aid in matters of general importance lying beyond the capacity or jurisdiction of a single colony. But this method had certain fatal defects, as Benjamin Franklin had already pointed out to his friend Jackson. In fact, during the course of the Great War for the Empire, despite the excellent record of Massachusetts Bay, Connecticut, and New York, most of the colonies only partially met their quotas, while some, such as prosperous Maryland, ignored all of the requisitions. Therefore, when Franklin at the conference with Grenville pleaded that the old method by the King's requisition should now be followed, he must have done so in his official capacity without reference to his personal views; for no one in America

was in fact more clearly aware of the unfairness of this system in its actual operation than was Pennsylvania's London agent. Grenville then asked Franklin whether the colonials could "agree upon the several proportions Each Colony should raise" in order to provide the equivalent for the forty or fifty thousand pounds that he hoped to secure by a stamp tax. But the agents were honestly unable to answer, nor was it possible for the government at home to assess the financial capabilities of the respective colonies. Grenville then pushed his advantage. "What then?" he asked. "Shall no Steps be taken and must we and America be two distinct Kingdoms, and that now immediately, or must America be Defended entirely by Us, and be themselves quite excused, or left to do just what they shall please to do? Some, perhaps, will be pleased to do something, and others Nothing?" In a prophetic mood he ventured the observation that perhaps "from the nature of our Situations, it will happen and must be Expected that one Day we shall be two distinct Kingdoms," but he hastened to add that he was convinced that a separation would be mutually disadvantageous. To resolve the present difficulty, he urged that "mutual Confidence and mutual Uprightness of Intention take Place and no considerable Ills can follow."

The London agents had been silenced by Grenville's logic and by the manifest fairness of the idea that Americans should assume some definite share of the expense involved in garrisoning the new acquisitions and the Indian country beyond the Appalachian Mountains. But the colonial assemblies—irrespective of their willingness or reluctance to make any contribution to these ends—chose to stand on what they considered to be their rights, whether prescriptive or constitutional. News of the proposed addition of a stamp act to the revised import duties aroused the liveliest resentment in colonial legislatures. South Carolina, Massachusetts, Virginia, Pennsylvania, Rhode Island, New York, and Connecticut framed petitions against the proposal. Among all the remonstrances against it that were sent to England, none is more deserving of attention than that sent by the Connecticut Assembly under title of *Reasons Why the British Colonies in America should not be charged with Internal Taxes by Authority of Parliament humbly offered for Consideration in Behalf of the Colony of Connecticut*. The thesis embodied the idea that by "the Constitution, Government and Laws of Great

Britain the English are a Free People." Therefore, it is the right of every Englishman

not to be subjected to Laws made without his Consent . . . lodged in the Hands of Representatives, by them elected and chosen for that Purpose. . . . For if the Privilege of not being taxed without their Consent, be taken from them, Liberty and Freedom are certainly gone with it.

While admitting that Parliament enjoyed a general authority, a supreme jurisdiction, over all his Majesty's subjects, the Assembly insisted that this body was also the guardian of their liberties and therefore "doth not extend its Taxations to such . . . as are not represented in that grand Legislature of the Nation." For the people of the colonies "situate at a great Distance from their Mother Country . . . cannot participate in the general Legislature of the Nation . . . Yet . . . it may not be justly said they have lost their Birth-Right by . . . their Removal into America." The argument was then advanced that the colony had honored requisitions made upon it in times of emergency and had supported itself at other times without aid from England. Before closing, the point was stressed that should it be judged necessary to make an addition to the charges on America, this should not be done in a way that would infringe on the constitutions of the colonies. "This, it is conceived, might be effected by a Duty . . . on the Importation of Negroes, and on the Fur Trade, etc.," rather than by internal taxes.

Here is presented that sharp distinction made between external customs duties, where constitutionality is conceded, and internal levies, denounced as inconsistent "with those Authorities and Privileges which the Colonies and the People in them legally enjoy. . . ." This same distinction was likewise made in another remarkable paper, the author of which possessed full knowledge of American conditions. While not in the handwriting or following the orthography of Benjamin Franklin, the paper was certainly written in the spirit and style that characterize his compositions. In it the argument is developed that if the colonies are considered to be constituent parts of the Empire, then not only stamp duties but every tax imposed on a resident of Great Britain "should be extended over the whole Empire."

And with this System and the consequences necessarily resulting from it the Americans would possibly be very well pleased. They would gladly (it may be)

pay their share of the general Taxation as they would of course partake of all the Advantage which the residents of Great Britain are entitled to. They would have a right of representation in the British parliament according to their magnitude . . . but what they would consider as of much more consequence, they would upon the footing of general equity have a right of exporting their products Duty free and to the best Market they could find . . . they would likewise save all the Duties which are now imposed upon foreign or British commodities upon Exportation or Reexportation from Great Britain to America.

Under this system, the writer insisted, the taxes collected in America would not in any way be the equivalent of the duties previously paid. It was finally argued that the extension of all taxes to the colonies would not only be too complicated but "so Absurd and Chimerical that nothing but the present attempt to Tax America internally can justify the bringing it into Supposition."

Despite the arguments advanced by the opponents of internal taxes, work on a stamp bill was continued by the Treasury officials. The forms of the various legal instruments used in the colonies had previously been requested of the governors by the Secretary of State, and the request seems to have been honored. The purpose of this procedure was not only to obtain light upon American business methods but "to make the tax as little burdensome as possible." Early in November, 1764, the bill had begun to assume form, but was yet to have the specific stamp rates attached to it, and the inclusion of certain items was also still a matter of discussion. In writing on November 5, 1764, to John Temple, Surveyor General of Customs for the Northern District of America, Thomas Whately of the Treasury attempted to clear up one misconception. He pointed out that the alarm in the colonies that they would be drained of their currency was groundless in view of the fact that the revenue to be raised in America was "to be applied to the support of the troops there, and consequently will not be sent hither in order to be sent back."

The American stamp bill in its final form was much more favorable to the colonists than would have been the case had the stamp act then in force in Great Britain been extended to include them. Indeed, from the point of view of Whately, chief architect of the bill, not only would there be no drainage of gold and silver from the colonies as a result of the payment of

the stamp duties, but the sums that would have to be sent from England to defray most of the expense of American defense would help to ensure to the colonies a continuous and abundant supply of specie. According to Whately's estimate, less than a third of this expense would be met by combined internal and external revenues raised in America.

On February 7, 1765, the bill, in the form of fifty-five resolutions, was reported to the House of Commons from the Committee of the Whole House. It was on this occasion that certain members of the House spoke in opposition to the Measure. But aside from Alderman Beckford of London, who held large West Indies interests, no one at that time denied that Parliament had the authority to lay such taxes. Even Colonel Isaac Barré, most eloquent of those urging rejection, conceded that "Great Britain has an undoubted right," yet he cautioned that its authority "ought to be exercised with the same Tenderness as parents do theirs over their children, and not lay too heavy burthens upon them in infancy, lest they prevent their growth or deform them." It was on this occasion that, in reply to Charles Townshend's description of "the Americans as children of our own, planted by our care, nourished by our indulgence," he retorted:

Children planted by your care! Not your oppression planted them in America . . . They nourished by your indulgence! They grew by your neglect of them. . . . They protected by your arms! They have nobly taken up arms in your defence . . . for the defence of a country whose . . . interior parts have yielded all its little savings to your enlargement . . .

But despite this protest, the resolutions were approved by an overwhelming majority of some 250 to 50. The submission to the House on the 15th of February of the bill embodying these resolutions prompted a flood of petitions against its passage. A petition from the West Indies was presented but withdrawn after objections were raised. Then came one from Virginia denying the right of Parliament to tax the colonies. This petition was rejected by a very large majority and a Connecticut petition, though more moderate in tone than that from the West Indies, suffered the same fate. As to those from Massachusetts Bay and New York, neither petition was formally presented; the one, based on Otis's *Rights of the British Colonies*, took very high ground respecting the late Sugar Act as well as the issue of internal taxation, and the

other "was conceived in terms so inflammatory" that Robert Charles, the New York London agent, could not prevail upon any member of the House to present it. Grenville, in fact, took his stand upon a general parliamentary rule (of long duration) that petitions against money bills could not be received. The final vote at the third reading of the bill was 205 to 49, in the House of Lords it was adopted without a division, and on March 22, as the result of the indisposition of the King, it received the royal assent "by commission."

2. "DREAM OF THE BRANDING OF HORSES AND ASSES"

The Stamp Act was soon the subject of angry colonial protests. One of the most interesting concerned the dream of a Rhode Islander. In this remarkable tale the horses and asses of a certain town were all driven into an enclosure so that the branding master could put the brand, a mark of property, on them. The six asses were branded without interruption; the spirited horses all ran away. The lesson was that only those colonists who were like asses would stand for "stamping" (branding), while the spirited settlers would object. Professor Tyler has given the essential parts of the story in the following selection.³

THE SEVERAL WRITINGS thus far mentioned as products of the year 1764, are among the earliest manifestations, in literary form, of American disfavor toward the new taxing-policy of the government. A curious fact, however, attaches to all these writings. Though published weeks or even months after the official announcement of an intended Stamp Act, not one of them contains the slightest allusion to that measure; while, on the other hand, the actual passage, in April, 1764, of the act for deriving an imperial revenue from certain port-duties in the colonies, appears to be the one fact over which the American people are invited to take alarm. Thus, as it seems, the American people, bewildered in the thicket of passing events, did not at first perceive their true relations and proportions. But, at about the time of the appearance of Thacher's pamphlet, that is, in the early autumn of 1764, the appalling significance of the notice of the Stamp Act began to dawn upon them; and then, almost

³M. C. Tyler, *The Literary History of the American Revolution, 1763-1783* (New York: G. P. Putnam's Sons, 1897), I, pp. 60-63. Copyright, 1897, by Moses Coit Tyler. Used by permission of the publishers.

at once, the centre of gravity shifted from the immediate past to the immediate future, — from the measure that had become a law in the preceding March, to the measure that might become a law in the following March.

One of the earliest tokens of this change in the direction of the public solicitude, is to be seen in a bit of comic writing, the humor of which was already characteristic of the American mind, then, as since then, not unwilling to veil its serious and even its angry and uncompliant moods under droll anecdotes and grimly ironical terms of ultra-submissiveness. In the leading newspaper of Rhode Island there appeared, on the tenth of November, 1764, a communication purporting to be from a rough and ready colonist in humble circumstances, a man without any knowledge of books, as he says, excepting the Bible and Pilgrim's Progress. Not long before, he had sat up one evening with a neighbor of his till eleven o'clock, trying to make out the bearings of this queer news about "a stamping law"; and, parting from his friend no wiser than before their talk began, he went to bed, and, straightway falling asleep, he had this dream: — "Methought the stamp law ended in one for stamping all our beasts of burthen, and for that end a ship had arrived with the branding-master and his company, who soon after sent orders to our town to have all such beasts within a proper enclosure on a certain day. And, accordingly, in the morning of the day, I fancied that I saw all the horses of the town brought together in a pasture of my neighbor's, that was fenced better than ordinary — the pound being too small — and amongst them were about a half a dozen asses, being all we had. Soon after, the brand-master with his retinue approached the pasture with great pomp, one carrying a large silver brand in the form of the letter S; and, upon entering the field, they began with the asses, and branded them without the least interruption. They then drew near to the horses, and would have laid hold on a stately bay horse; but, taking fright at the glittering of the brand, he snorted, kicked up his heels, and went off. I was sorry to see him fling the dirt into the gentleman's face; and the whole drove being struck with the same panic, they leapt the fence, and ran off snorting and flinging up their heels, so that I saw them no more. And whilst the branding-company stared, and expressed some surprise at what had happened, a very ragged country-fellow said, with

a facetious grin, that he 'always understood, till then, that the good people of England very well knew that none but asses would stand still to be branded.'" In the ominous silence which followed this rustic taunt, a gentlemanlike person who stood holding by the bridle a powerful horse, was approached by one of the branding-company, who requested the loan of the horse that he might ride it to head off the drove. To this the gentleman politely assented, but at the same time advised the officer to remove his spurs — as the horse would not tolerate any rider so equipped; informing him at the same time, while he stooped down to unbuckle his spurs, that the drove of horses which he proposed to head off, would probably prove a little difficult to manage in that way, — since they "were all of the English breed, and the far greater part of them had for their sire and were descended from a very remarkable horse, known by the name of Old Noll, who, though he was not a showy beast, was firm and had courage, and might have been of great use but that his master fell in love with a huge pair of French spurs, and, contrary to all good advice, must needs mount Noll with them upon his heels; but, unhappily, the horse no sooner felt the spurs at his sides, but he gave his master such a fall as broke his neck; upon which the breed were out of credit for a while, and being sent hither, multiplied exceedingly." Upon this discouraging information, the officer concluded not to accept the loan of the gentleman's horse; and, after various other methods of procedure had been discussed without avail, the leading man of the town ventured to give to the branding-master this bit of gentle counsel: — "'Have you never heard that branding is a mark of property? If the brand was once put on, I should not wonder if your next errand here was for the beasts — or their hides. Mutual confidence will give our master a better and more durable property in what we have, than any branding. But when distrust and diffidence comes in its stead, no good can ensue; opportunities will never be long wanting for masters to oppress their servants, or for servants to — their masters.' Here, the whole of our company gave three huzzas, in approbation of our chief's discourse; in which I joined so heartily, that the good woman at my side gave me a hunch with her elbow, and asked me if I had the colic or gripes, — and so ended my Vision!"

3. RESOLUTIONS OF THE STAMP ACT CONGRESS, OCTOBER 19, 1765

Agitation concerning England's right of taxation reached a high point when on October 7, 1765, the Stamp Act Congress, composed of delegates from nine of the colonies, met in New York City. This congress expressed loyalty to the King and subordination to Parliament. The representatives asked for repeal of recent acts extending the jurisdiction of admiralty courts to the colonies and of the Stamp Act, since these measures had "a manifest tendency to subvert the rights and liberties of the colonies." The congress claimed that "no taxes ever have been or can be constitutionally imposed" on the colonists but by legislatures elected by them. The resolutions of this body are given below.⁴

THE MEMBERS of this Congress, sincerely devoted with the warmest sentiments of affection and duty to His Majesty's person and Government, inviolably attached to the present happy establishment of the Protestant succession, and with minds deeply impressed by a sense of the present and impending misfortunes of the British colonies on this continent; having considered as maturely as time will permit the circumstances of the said colonies, esteem it our indispensable duty to make the following declarations of our humble opinion respecting the most essential rights and liberties of the colonists, and of the grievances under which they labour, by reason of several late Acts of Parliament.

I. That His Majesty's subjects in these colonies owe the same allegiance to the Crown of Great Britain that is owing from his subjects born within the realm, and all due subordination to that august body the Parliament of Great Britain.

II. That His Majesty's liege subjects in these colonies are intitled to all the inherent rights and liberties of his natural born subjects within the kingdom of Great Britain.

III. That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them but with their own consent, given personally or by their representatives

IV. That the people of these colonies are not, and from their local circumstances cannot be,

represented in the House of Commons in Great Britain.

V. That the only representatives of the people of these colonies are persons chosen therein by themselves, and that no taxes ever have been, or can be constitutionally imposed on them, but by their respective legislatures.

VI. That all supplies to the Crown being free gifts of the people, it is unreasonable and inconsistent with the principles and spirit of the British Constitution, for the people of Great Britain to grant to His Majesty the property of the colonists.

VII. That trial by jury is the inherent and invaluable right of every British subject in these colonies.

VIII. That the late Act of Parliament, entitled *An Act for granting and applying certain stamp duties, and other duties, in the British colonies and plantations in America, etc.*, by imposing taxes on the inhabitants of these colonies; and the said Act, and several other Acts, by extending the jurisdiction of the courts of Admiralty beyond its ancient limits, have a manifest tendency to subvert the rights and liberties of the colonists.

IX. That the duties imposed by several late Acts of Parliament, from the peculiar circumstances of these colonies, will be extremely burthensome and grievous; and from the scarcity of specie, the payment of them absolutely impracticable.

X. That as the profits of the trade of these colonies ultimately center in Great Britain, to pay for the manufactures which they are obliged to take from thence, they eventually contribute very largely to all supplies granted there to the Crown.

XI. That the restrictions imposed by several late Acts of Parliament on the trade of these colonies will render them unable to purchase the manufactures of Great Britain.

XII. That the increase, prosperity, and happiness of these colonies depend on the full and free enjoyments of their rights and liberties, and an intercourse with Great Britain mutually affectionate and advantageous.

XIII. That it is the right of the British subjects in these colonies to petition the King or either House of Parliament.

Lastly, That it is the indispensable duty of these colonies to the best of sovereigns, to the mother country, and to themselves, to endeavour

⁴ H. S. Commager, ed., *Documents of American History*, Fourth Edition (New York: Appleton Century Crofts, Inc., 1948) p. 58. Used by permission of the publishers.

by a loyal and dutiful address to His Majesty, and humble applications to both Houses of Parliament, to procure the repeal of the Act for granting and applying certain stamp duties, of

all clauses of any other Acts of Parliament, whereby the jurisdiction of the Admiralty is extended as aforesaid, and of the other late Acts for the restriction of American commerce.

III

The Gulf Widens

THE YEARS from 1767 to 1773 were crowded with significant events. The passage of the Townshend Duty Act set John Dickinson to work again. Samuel Adams persuaded the Massachusetts General Court in 1768 to adopt and send out a circular letter to the other assemblies asking for cooperation against the new policies. A street fight in Boston on March 5, 1770, between soldiers and the populace engendered much bad blood. In 1772 Samuel Adams induced a Boston town meeting to appoint the first local committee of correspondence to inform their neighbors of English actions. This movement spread rapidly. The Tea Act of 1773 brought on the Boston Tea Party in protest against the monopoly granted to the East India Company. The gulf between the mother country and her American colonies was widening.

1. THE TOWNSHEND DUTY ACT

The reopening of the question of taxation with the passage of the Townshend Duty Act brought one colonial reply that was unique in its moderation. This was a series of anonymous letters written to ease the excitement of the moment. John Dickinson was the author of these letters. Supporting and opposing views of the Duty Act are discussed by Professor Lawrence Henry Gipson in The Coming of the Revolution, 1763-1775.

IN SEPTEMBER, 1767, the news reached America of the passing of the Townshend laws, and early in October the text of the Revenue Act appeared in the newspapers. Later that month a Boston town meeting, with James Otis in the chair, adopted resolutions drawn up by a committee which avowedly called upon the people to extricate themselves from their financial embarrassments by manufacturing for themselves a long list of articles, including wearing apparel and furnishings, coaches, anchors, cordage, loaf sugar, malt liquors, cheeses, watches, and jewelry. A request for a meeting of the General Assembly was also voted. A roll for the signatures of those who would agree to rid the province of the need for importing these articles "by

the disuse of foreign superfluities" was thereupon placed in the hands of the town clerk and the public was called upon to sign it. This non-consumption movement was promoted by those who were opposed to the sort of violence that had characterized resistance to the enforcement of the Stamp Act, and in harmony with this idea the selectmen of the town called upon the inhabitants to avoid mobs and riotous assemblies. Back of it all, nevertheless, was a determined opposition to paying the new duties. Otis, in a measured understatement of the situation, declared to the public on November 28 in the columns of the *Boston Gazette*:

The Tax! the Tax! is undoubtedly at present the apparent matter of grievance; and this I think a great one: But redress is to be fought in a legal and constitutional way.

The most impressive and elaborate attack upon the Townshend legislation, however, came not from Otis and his radical associates in Boston, but from the mild, cultivated John Dickinson in his famous *Letters from a Farmer in Pennsylvania to the Inhabitants of the British Colonies*, the first of which appeared in the December 2, 1767, issue of the *Pennsylvania Chronicle and Universal Advertiser* and the twelfth and last in that of February 15 of the following year. While admitting the right of Parliament not only to regulate but even to suppress commerce and industry in the colonies, the

⁵ Lawrence Henry Gipson, *The Coming of the Revolution, 1763-1775* (New York: Harper & Brothers, 1951), pp. 181-187. Copyright, 1954, by Harper & Brothers. Used by permission of the publishers.

author denied its authority to levy internal or external taxes and affirmed in one letter that it was heaven itself that "hath made us free." In referring to Great Britain in another letter, Dickinson wrote:

Moderation has been the rule of her conduct. But now, a generous humane people, that so often has protected the liberty of strangers is inflamed to tear a privilege from her own children, which if executed, must, in their opinion, sink them into slaves: *And for what?* For a pernicious power, not necessary to her . . . but horribly dreadful and detestable to them.

As to the argument that the people of Great Britain were sinking under an immense debt in large part contracted in defending the colonies, he asserted that in reality the colonies gave Great Britain hearty assistance in the late war, "*undertaken solely for her own benefit,*" and that the territories acquired as the result of it were "greatly injurious to these colonies" and the latter therefore owed her nothing. Nevertheless, while he called upon Americans to take care of their rights and not to sacrifice "*a single iota*" of their privileges, he was opposed to their use of violence and counseled them to conduct their affairs "*peaceably — prudently — firmly — jointly.*"

The Dickinson position in 1768 denying the legality not only of internal taxes but of port duties levied by Parliament was far more extreme on paper than the view expressed by Benjamin Franklin before the Committee of the Whole of the House of Commons in 1766 with reference to port duties. This is what Franklin had to say on the subject in answer to the following question put to him in the course of his "Examination":

You say the colonies have always submitted to external taxes, and object to the right of parliament only in laying internal taxes; now can you shew, that there is any kind of difference between the two taxes to the Colony on which they are laid?

To which Franklin replied:

I think the difference is very great. An external tax is a duty laid on commodities imported . . . and, when it is offered for sale, makes a part of the price. If the people do not like it at that price, they refuse it; they are not obliged to pay it. But an internal tax is forced upon the people without their consent, if not laid by their own representatives.

Later in the course of the questioning he indicated why he differentiated between port duties and internal taxes, pointing out that

the sea is yours, you maintain, by your fleets, the safety of navigation in it, and keep it clear of pirates; you may have therefore a natural and equitable right to some toll [*sic*] or duty on merchandizes carried through that part of your dominions, towards defraying the expense you are at in ships to maintain the safety of that carriage

The Letters from a Farmer represented a repudiation of an untenable or, at least, unpracticable distinction in taxation and indicated that Franklin was not abreast of American opinion. To William Knox, who had acted as a Crown official in Georgia and later as the London agent for that colony and East Florida, and who in 1769 published in London his *The Controversy between Great Britain and her Colonies Reviewed*, Dickinson's distinction between the regulation and even suppression of colonial trade and industry and their taxation was "of all absurdities, the most ridiculous that ever was contended for." In taking this position Knox, to illustrate the inconsistency, contrasted the duties on molasses levied upon the basis of the statute of 1733 with those levied upon the basis of the revision of this act in 1764:

The right of Parliament to charge foreign molasses with a duty of six-pence was unquestionable; but, for parliament to *reduce* the six pence to three-pence, is a violent usurpation of unconstitutional authority, and an infringement of the rights and privileges of the people of the Colonies. . . . But (says Mr. Dickinson) the heavy tax would have operated as a prohibition, which is a *regulation of trade*; the light tax is intended to be paid and laid for the purpose of revenue.

Dickinson, Knox argued, conceded the greater right of Parliament through regulation to choke and even to destroy American commerce and industry by extending at will the principles embodied in the Molasses Act of 1733 and the Iron Act of 1750, but denied the lesser right of reducing prohibitive regulatory imposts for the purpose of securing a revenue. Whatever defects the *Letters from a Farmer* possess from the viewpoint of eighteenth-century British, or even twentieth-century American, constitutional law, they quickly became the political Bible of Americans until early in 1776 when Thomas Paine's *Common Sense*, calling for a declaration of independence, supplanted them as a new evangel. Numerous reprints crystallized the opposition to the Townshend Acts.

To Governor Bernard of Massachusetts Bay the only way out of the oncoming impasse was

the extension to the colonies of representation in Parliament—and this he strongly recommended to the home government. Nonetheless, he conceded that by and large Americans did not desire it. At the same time he urged that by this means every objection to levies by Parliament on the colonies would be met. To support the administration and silence the radicals, Brigadier Ruggles called upon the Massachusetts House of Representatives in December to choose members to Parliament and to send them to England to claim their seats, an action the farthest possible removed from the sentiments of this body and, of course, without proper legal basis.

It is therefore not surprising that the House, while proceeding to set forth its objection to the recent legislation of Parliament, rejected with equal firmness the idea of parliamentary representation. In a petition to the King and in numerous letters to officials in London, it voiced its deep apprehension as to the unhappy fate in store for the colonies should their rights and privileges as Englishmen be denied. Then, after some little hesitation about taking the step, on February 11, 1768, it addressed the famous "Circular Letter" drawn up by Samuel Adams to the other colonial assemblies denouncing the Townshend Acts as violating the principle of no taxation without representation. This summarily disposed of the notion that representation in Parliament would satisfy the colonies by declaring, "this House think that a taxation of their constituents, even without their consent, grievous as it is, would be preferable to any representation that could be admitted for them there." The House went still further, and attacked the constitutionality of the proposals of the government to provide, through the Crown, salaries for governors and other civil offices, as well as the dangerous implications of the Mutiny Act. In conclusion, while soliciting proposals for united action, the Circular Letter took pains to deny that there was any disposition in the colonies to seek independence of the mother country.

The Circular Letter evoked in the Earl of Hillsborough, Secretary of State for the Colonies, an immediate reaction. He felt that it tended to create in America "unwarrantable combinations" and "to excite an unjustifiable opposition to the constitutional authority of Parliament." Therefore, after consulting the King, he proceeded without delay to instruct the governor to call upon the House of Representatives in his Majesty's name, not only to rescind the reso-

lution that was the basis for this letter, but also to repudiate the latter under penalty of immediate dissolution and reference to Parliament of the whole issue to the end "that such provisions as shall be found necessary may be made, to prevent for the future a conduct of so extraordinary and unconstitutional a nature."

Bernard proceeded to carry out his instruction on June 21, although at first he held back the latter part of the Secretary's letter until the House demanded it. Then on June 28, instead of conforming to the Earl of Hillsborough's request, the House by overwhelming vote agreed to send home a detailed defense of its conduct. In this communication it pointed out the impropriety of the King's request as one for which there was no precedent in the relations of the Kings of England with the House of Commons since the time of the Revolution. Such a request, it contended, could only have been the result of an attempt to instill in his Majesty "a jealousy of his faithful subjects," which was "a crime of the most malignant nature." The letter ended with a request that the Secretary should therefore represent to the King that all the actions of the House which had been the basis of complaint were those "of affectionate and loyal subjects." Thereupon, with the signing of the letter by the speaker, a motion to rescind was voted down, only seventeen voting affirmatively. So informed, Bernard, in conformity with his orders, dissolved the House two days later.

Meantime, the Circular Letter had been endorsed by New Hampshire, Virginia, Maryland, Connecticut, Rhode Island, Georgia, and South Carolina, either by their respective assemblies or by the Speaker where the Assembly was not sitting. Their defiant stand attested to the leadership in the movement of resistance which the Massachusetts Bay House of Representatives had now assumed.

2. THE MASSACHUSETTS CIRCULAR LETTER FEBRUARY 11, 1768

By this circular letter, written by Samuel Adams and adopted by the Massachusetts General Court, the assemblies of the other colonies received notice of the actions taken by the Massachusetts General Court in reply to the Townshend Acts. The recent revenue measures were declared to be infringements of the natural and constitutional rights of the people of Massachusetts. When the Massachusetts General Court would not rescind the resolution which had

authorized the writing of the letter, Governor Bernard dissolved that body. The text of this letter is given below.

Pro of Massachusetts Bay
Feb 11 1768

Sir,

The House of Representatives of this Province have taken into their serious Consideration, the great difficulties that must accrue to themselves & their Constituents, by the operation of several acts of Parliament imposing Duties & Taxes on the American Colonys.

As it is a Subject in which every Colony is deeply interested they have no reason to doubt but your Assembly is deeply impressed with its Importance & that such constitutional measures will be come into as are proper. It seems to be necessary, that all possible Care should be taken, that the Representations of the several Assembly[s] upon so delicate a point, should harmonize with each other: The House therefore hope that this letter will be candidly considered in no other Light, than as expressing a Disposition freely to communicate their mind to a Sister Colony, upon a common Concern in the same manner as they would be glad to receive the Sentiments of your or any other House of Assembly on the Continent.

The House have humbly represented to the ministry, their own Sentiments that His Majestys high Court of Parliament is the supreme legislative Power over the whole Empire. That in all free States the Constitution is fixd: & as the supreme Legislative derives its Power & Authority from the Constitution, it cannot overleap the Bounds of it without destroying its own foundation: That the Constitution ascertains & limits both Sovereignty & allegiance, & therefore, his Majestys American Subjects who acknowledge themselves bound by the Ties of Allegiance, have an equitable Claim to the full enjoyment of the fundamental Rules of the British Constitution. That it is an essential unalterable Right in nature, ingrafted into the British Constitution, as a fundamental Law & ever held sacred & irrevocable by the Subjects within the Realm, that what a man has honestly acquired is absolutely his own, which he may freely give, but cannot be taken from him without his consent: That the American Subjects may therefore exclusive of any Consideration of Charter Rights,

with a decent firmness adapted to the Character of free men & Subjects assert this natural and constitutional Right

It is moreover their humble opinion, which they express with the greatest Deterrence to the Wisdom of the Parliament that the Acts made there imposing Duties on the People of this province with the sole & express purpose of raising a Revenue, are Infringements of their natural & constitutional Rights because as they are not represented in the British Parliamt^t His Majestys Commons in Britain by those Acts grant their Property without their consent.

This House further are of Opinion that their Constituents considering their local Circumstances cannot by any possibility be represented in the Parliament, & that it will forever be impracticable that they should be equally represented there & consequently not at all; being seperated by an Ocean of a thousand leagues: and that his Majestys Royal Predecessors for this reason were graciously pleasd to form a subordinate legislature here that their subjects might enjoy the unalienable Right of a Representation. Also that considering the utter Impracticability of their ever being fully & equally represented in parliamt^t, & the great Expence that must unavoidably attend even a partial representation there, this House think that a taxation of their Constituents, even without their Consent, grievous as it is, would be preferable to any Representation that could be admitted for them here.

Upon these principles, & also considering that were the right in Parliament ever so clear, yet, for obvious reasons it w^d be beyond the rules of Equity that their Constituents should be taxed on the manufactures of Great Britain here, in Addition to the duties they pay for them in England, & other Advantages arising to G Britain from the Acts of trade, this House have preferr^d a humble dutifull & loyal Petition to our most gracious Sovereign, & made such Representations to his Majestys Ministers, as they apprehended w^d tend to obtain redress.

They have also submitted to Consideration whether any People can be said to enjoy any degree of Freedom if the Crown in addition to its undoubted Authority of constituting a Gov^t, should also appoint him such a Stipend as it may judge proper without the Consent of the people & at their Expence; and whether while the Judges of the Land & other Civil officers hold not their Commission during good Behavior, their having salarys independent of the people

⁶ Harry Alonzo Cushing, ed. *The Writings of Samuel Adams* (New York: G. P. Putnam's Sons, 1904), I, pp. 184-188. Used by permission of the publishers

hath not a tendency to subvert the principles of Equity & endanger the Happiness & Security of the Subject.

In addition to these measures the House have wrote a Letter to their Agent, Mr De Berdt, the Sentiments of w^{ch} he is directed to lay before the ministry: wherein they take Notice of the hardships of the Act for preventing Mutiny & Desertion, which requires the Gov^r & Council to provide enumerated Articles for the Kings marching troops & the People to pay the Expences; & also of the Commission of the Genⁿ appointed Commissioners of the Customs to reside in America, which authorizes them to make as many Appointments as they think fit & to pay the Appointees what sum they please, for whose Mal Conduct they are not accountable — from whence it may happen that officers of the Crown may be multiplyd to such a degree as to become dangerous to the Liberty of the people by Virtue of a Commission which doth not appear to this House to derive any such Advantages to Trade as many have been led to expect.

These are the Sentiments & proceedings of this House; & as they have too much reason to believe that the Enemy of the Colonys have represented them to his Majestys Ministers & the parlt^h as factious disloyal & having a disposition to make themselves independent of the Mother Country, they have taken occasion in the most humble terms to assure his Majesty & his ministers that with regard to the People of this province & as they doubt not of all the colonies the charge is unjust.

The house is fully satisfyd that your Assembly is too generous and enlargd in sentiment, to believe, that this Letter proceeds from an Ambition of taking the Lead or dictating to the other Assemblys: They freely submit their opinions to the Judgment of others, & shall take it kind in your house to point out to them any thing further which may be thought necessary.

This House cannot conclude without expressing their firm Confidence in the King our common head & Father, that the united & dutifull Supplications of his distressed American Subjects will meet with his royal & favorable Acceptance.

3. THE BOSTON MASSACRE, MARCH 5, 1770

The partial repeal of the Townshend Acts brought only an uneasy peace. Since Boston was considered the hotbed of opposition to the late acts of Parliament, troops were stationed there and vessels of the

fleet were on watch in the harbor. On the evening of March 5, 1770, a false fire alarm brought out a crowd and in the excitement a captain, a corporal, and six men were attacked by a group of men and boys. The soldiers fired, killed three persons, mortally wounded two others, and wounded six. This was the Boston Massacre. The events preceding this clash have been vividly described by George E. Howard in his book, Preliminaries of the American Revolution, 1763-1775.

EVENTS IN MASSACHUSETTS presaged a struggle, for the way of compromise was steadily closing. Various incidents show how the popular anger was kept alive. Under orders from Hillsborough, evidence was being collected by the governor and other crown officers to enable them to send offenders to England for trial under the act of Henry VIII. Affidavits against Samuel Adams, "sworn to before Hutchinson, were sent to England, to prove him fit to be transported." This did not increase Bernard's popularity; and the publication in April, 1769, of some of his letters to the ministry in the preceding November and December not only "caused an inconceivable alienation" between him and the council, "but enraged a great part of the province, who considered the cause of the council as their own."

A long letter signed by eleven members of the council was sent to Hillsborough, charging the governor with "want of candor, with indecent, illiberal, and most abusive treatment of them," with "aiming at exorbitant and uncontrollable power, with a design to represent things in the worst light, with unmanly dissimulation, and with untruth." A second letter was sent, criticising Bernard for recommending, contrary to the charter, that a council be appointed by royal mandamus, and accusing him of gross misrepresentations.

Later the house petitioned for his recall, and in July he went to England, leaving the government in the hands of Lieutenant-Governor Hutchinson.

Quartering troops in Boston and surrounding the town with an armed fleet did not prove an effective means of reconciliation; but more than two years passed away without riot or serious collision. The soldiers had nothing to do; for in the absence of martial law they could only be

⁷ George E. Howard, *Preliminaries of the American Revolution, 1763-1775* (New York: Harper & Brothers, 1905), pp. 201-205. Copyright, 1905, by Harper & Brothers; Copyright, 1933, by Alice May Howard. Used by permission of the publishers.

employed on call of a civil magistrate. Yet they were hated and ostracized by the people, and, under the circumstances, it is not at all surprising that their "simple presence" was "treated as an intolerable grievance." Unquestionably the officers and the men found themselves in a trying position; and on the whole they acted with prudence and self-control. They were often abused and insulted, scurrilous attacks upon them were made in the newspapers, and frequent affrays between the soldiers and townsmen took place.

"Little matters, being novelties, soon caused great uneasiness. Though the people had been used to answer to the call of the town watch in the night, yet they did not like to answer to the frequent calls of the centinels posted at the barracks, and at the gates of the principal officers . . . ; and either a refusal to answer, or an answer accompanied with irritating language, endangered the peace of the town"; so the officers "relaxed the rigid rules of the army; and, at most places, no challenge was made." Moreover, the noise of fifes and drums on Sunday drew forth a petition from the selectmen asking the general to "dispense with the band." During the winter of 1769 feeling became more tense. The two regiments, says Hutchinson, "were a continual eyecore to the inhabitants," and affrays became more frequent.

The long-delayed collision approached on March 2, 1770, when a fight took place between some ropemakers and soldiers of the 29th Regiment, eliciting a letter of complaint from the commander to the lieutenant-governor. March 5 occurred a tragedy which had much influence in hastening the Revolution. It was an evening of unusual excitement; according to Hutchinson the people were called into the streets by a false alarm of fire, and bands of soldiers were running about. Whether the fracas of the 2d had anything to do with what followed is not clear. A sentinel at the custom-house was insulted and pelted by the crowd. According to some accounts he had struck a boy earlier in the evening. At his call a corporal and a squad of six men, commanded by Captain Preston, came to his aid. These were surrounded by fifty or sixty men and boys, some of them carrying bludgeons, shouting, "Cowardly rascals, lobsters, bloody-backs," and daring them to shoot. A soldier, hit by a club, fired, killing a mulatto named Crispus Attucks. At once the other soldiers discharged their muskets into the mob. Including Attucks, three persons were killed, two mortally wounded, and

six injured. It is alleged that Preston gave the word to fire, but the fact is not clearly established.

As the news spread the wildest excitement prevailed in the town. Drums were beaten and the church-bells rung. The people rushed into the streets, some with arms in their hands. Captain Preston and the soldiers were arrested and committed to prison. The next day, under the leadership of Samuel Adams, the town-meeting demanded that both regiments should be sent away to the castle. After some parley, as a bloody contest seemed imminent, Hutchinson consented to give the order. Seven months later the soldiers were tried before a Boston jury, John Adams and Josiah Quincy appearing as their counsel. All were acquitted, save two, and these were lightly punished for manslaughter.

Such was the "Boston Massacre" which patriotic writers have represented as the first blood-offering for independence; and of a truth the historian who would understand the American Revolution will not belittle its significance. It may be true that immediately the townsmen were far more guilty than the soldiers. The real responsibility rests upon the statesmen who created the conditions rendering such a result almost inevitable. In that fact lies the meaning of the "massacre," and the meaning is very grave.

4. THE LOCAL COMMITTEES OF CORRESPONDENCE

*One of the greatest contributions which Samuel Adams made to the cause of American freedom was the suggestion that local committees of correspondence be set up to keep other committees informed of what was going on from town to town. Patrick Henry and Thomas Jefferson in Virginia approved of it and sponsored a movement to have provincial committees of correspondence. Adams's struggle to awaken his countrymen to the need of such an organization has been described by his biographer, James K. Hosmer.**

"LET ASSOCIATIONS and combinations be everywhere set up to consult and recover our just rights" This suggestion, contained at the end of the paper quoted at the close of the last chapter, Samuel Adams proceeded to put at once in practice, setting on foot one of the most memorable schemes with which his name is associated. As his career has been traced, we have seen that,

* James K. Hosmer, *Samuel Adams* (Boston: Houghton Mifflin Company, 1898), pp. 176-185.

in the instructions of 1764 and frequently since, his recognition of the importance of a thorough understanding between the widely separated patriots has appeared. A letter of the previous year to Arthur Lee contains the definite suggestion of a Committee of Correspondence, "a sudden thought which drops undigested from my pen," which should not only promote union among the Americans, but also with men similarly minded in England, like the society of the Bill of Rights. The task before Samuel Adams was a hard one. Not only must he thwart the Tories, but he found the patriots for the most part quite indifferent; he may be said, indeed, to have worked out the scheme alone. Cushing, Hancock, and Phillips, his associates of the Boston set, were against his idea, as were also the more influential among the selectmen. Warren indeed was a strenuous helper, but had not yet risen into great significance. Church appeared zealous, but he was secretly a traitor. Three petitions were presented to the selectmen, and three weeks passed before the meeting could be brought about. In the last petition the number of names was much diminished, indicating the difficulty which Samuel Adams found in holding the people to the work. He used what influence he could outside of Boston to prepare the way for his idea in other towns. Writing to Elbridge Gerry, a young man of twenty-eight, with whom he was just coming into a connection that grew into a close and unbroken lifelong friendship, who had encouraged him with an account of interest felt at Marblehead, he says:

"Our enemies would intimidate us by saying our brethren in the other towns are indifferent about this matter, for which reason I am particularly glad to receive your letter at this time. Roxbury I am told is fully awake. I wish we could arouse the continent."

A town meeting took place, which was adjourned and again adjourned, in the general lethargy; so slight was the interest with which the successive steps in a movement of the first importance were regarded! Hutchinson, in answer to a resolution of inquiry and a request that the legislature, which was to meet December 2, might not be prorogued, replied, —

"That the charter reserved to the governor the full power, from time to time, to adjourn, prorogue, or dissolve the Assembly. A compliance with the petition would be to yield to them the exercise of that part of the prerogative. There would be danger of encouraging the inhabitants of other towns in the province to similar pro-

cedures, which the law had not made the business of town meetings."

The town meeting caused the governor's words to be read again and again before it, and voted them to be "not satisfactory." The proceeding illustrates well the astuteness and knowledge of men of Samuel Adams, who was certainly as consummate a political manager as the country has ever seen. He drafted for the town the resolution and request to the governor, which have just been referred to, and which apparently relate to something very different from his real purposes; he was chairman of the committee which presented these documents. The whole thing was a trap. He wrote afterwards to Gerry that he knew such requests, couched in such terms, must provoke from Hutchinson an arrogant answer, the effect of which would be to touch the people in a point where they were sensitive, and produce unanimity for the course which he desired to pursue. As he had expected and planned, the town meeting resolved unanimously that "they have ever had, and ought to have, a right to petition the king or his representative for a redress of such grievances as they feel, or for preventing such as they have reason to apprehend, and to communicate their sentiments to other towns."

The town meeting having been brought into an appropriate mood, there followed the motion which in its consequences was perhaps the most important step which had so far been taken in bringing into existence the new nation. The town records of Boston say:

"It was then moved by Mr. Samuel Adams that a Committee of Correspondence be appointed, to consist of twenty-one persons, to state the rights of the colonists and of this province in particular as men and Christians and as subjects; and to communicate and publish the same to the several towns and to the world as the sense of this town, with the infringements and violations thereof that have been or from time to time may be made."

The motion occasioned some debate, and seems to have been carried late at night; the vote in its favor, at last, was nearly unanimous. The colleagues of Adams, who had left him almost alone thus far, now declined to become members of the committee, regarding the scheme as useless or trifling. The committee was at last constituted without them; it was made up of men of little prominence but of thorough respectability. James Otis, in another interval of sanity, was made chairman, a position purely honorary, the

town in this way showing its respect for the leader whose misfortunes they so sincerely mourned.

The Committee of Correspondence held its first meeting in the representatives' chamber at the town-house, November 3, 1772, where at the outset each member pledged himself to observe secrecy as to their transactions, except those which, as a committee, they should think it proper to divulge. According to the motion by which the committee was constituted, three duties were to be performed: 1st, the preparation of a statement of the rights of the colonists, as men, as Christians, and as subjects; 2d, a declaration of the infringement and violation of those rights; 3d, a letter, to be sent to the several towns of the province and to the world, giving the sense of the town. The drafting of the first was assigned to Samuel Adams, of the second to Joseph Warren, of the third to Benjamin Church. In a few days tidings came from the important towns of Marblehead, Roxbury, Cambridge, and Plymouth, indicating that the example of Boston was making impression and was likely to be followed. On November 20, at a town meeting in Faneuil Hall, the different papers were presented: Otis sat as moderator, appearing for the last time in a sphere where his career had been so magnificent. The report was in three divisions, according to the motion. The part by Samuel Adams, which has absurdly been attributed to Otis by later writers, is still extant in his autograph. The paper of Warren recapitulated the long list of grievances under which the province had suffered; while Church, in a letter to the selectmen of the various towns, solicited a free communication of the sentiments of all, expressing the belief that the wisdom of the people would not "suffer them to doze or sit supinely indifferent on the brink of destruction."

In the last days of 1772, the document, having been printed, was transmitted to those for whom it had been intended, producing at once an immense effect. The towns almost unanimously appointed similar committees; from every quarter came replies in which the sentiments of Samuel Adams were echoed. In the library of Bancroft is a volume of manuscripts, worn and stained by time, which have an interest scarcely inferior to that possessed by the Declaration of Independence itself, as the fading page hangs against its pillar in the library of the State Department at Washington. They are the original replies sent by the Massachusetts towns to Samuel

Adams's committee, sitting in Faneuil Hall, during those first months of 1773. One may well read them with bated breath, for it is the touch of the elbow as the stout little democracies dress up into line, just before they plunge into actual fight at Concord and Bunker Hill. There is sometimes a noble scorn of the restraints of orthography, as of the despotism of Great Britain, in the work of the old town clerks, for they generally were secretaries of the committees; and once in a while a touch of Dogberry's quaintness, as the punctilious officials, though not always "putting God first," yet take pains that there shall be no mistake as to their piety by making every letter in the name of the Deity a rounded capital. Yet the documents ought to inspire the deepest reverence. They constitute the highest mark the town meeting has ever touched. Never before and never since have Anglo-Saxon men, in lawful folk-mote assembled, given utterance to thoughts and feelings so fine in themselves and so pregnant with great events. To each letter stand affixed the names of the committee in autograph. This awkward scrawl was made by the rough fist of a Cape Ann fisherman, on shore for the day to do at town meeting the duty his fellows had laid upon him; the hand that wrote this other was cramped from the scythe-handle, as its possessor mowed an interval on the Connecticut; this blotted signature, where smutted fingers have left a black stain, was written by a blacksmith of Middlesex, turning aside a moment from forging a barrel that was to do duty at Lexington. They were men of the plainest; but as the documents, containing statements of the most generous principles and the most courageous determination, were read in the town-houses, the committees who produced them, and the constituents for whom the committees stood, were lifted above the ordinary level. Their horizon expanded to the broadest; they had in view not simply themselves, but the welfare of the continent; not solely their own generation, but remote posterity. It was Samuel Adams's own plan, the consequences of which no one foresaw, neither friend nor foe. Even Hutchinson, who was scarcely less keen than Samuel Adams himself, was completely at fault. "Such a foolish scheme," he called it, "that the faction must necessarily make themselves ridiculous." But in January the eyes of men were opening. One of the ablest of the Tories, Daniel Leonard, wrote:

"This is the foulest, subtlest, and most venomous serpent ever issued from the egg of sedition."

the money to be raised under the act for the support of civil government and the administration of justice in the colonies as constituting in operation a "diminution" of "charter Rights."

The news of the destruction of the tea at Boston spread along the Atlantic seaboard like wildfire—and so did the spirit of resistance. Governor Tryon, who had previously felt that the tea could be landed at New York despite opposition, now wrote to the Earl of Dartmouth that this could only be accomplished "under the Protection of the Point of the Bayonet and Muzzle of the Cannon, and even then I do not see how the Sales or Consumption could be effected." When on December 25 the ship *Polly* reached the Delaware with 697 chests of tea, a crowd of some 8,000 was on hand and Captain Ayres was readily persuaded to return to England immediately with his cargo. When in April of the following year the ship *London* arrived at New York with a private consignment of tea, which the captain sought to conceal, a mob boarded the vessel and destroyed the tea; whereupon the bells of the churches rang out for joy. But another tea ship, the storm-tossed *Nancy*, was permitted to return to England with its freight after repairs on it had been made. Nor were these demonstrations confined to the great ports. The boycott of tea was universal throughout America.

Some writers have seen fit to argue that had not the Tea Act of 1773 been passed, the people of the colonies would have become reconciled to the constitutional views of the British ministry and Parliament. For proof they point to the period of comparative quiet which followed the repeal of most of the Townshend duties. But it should be understood that the position of the popular Atlantic seaboard leaders had not altered and that peace had come in no small part as the result of the evasion of the tea duties by widespread smuggling. The colonies, in other words, had not retreated an inch on the constitutional issue of the supremacy of Parliament. Nowhere was that issue more acute than in Massachusetts Bay. Before the news of the passing of the Tea

Act had arrived, the Assembly on June 15, 1773, in a series of resolves and a petition that were forwarded to Franklin, had called upon the King to remove from office the governor and the secretary on the ground that they were guilty of plotting to "overthrow the constitution of the province." While in England, Franklin, as the agent of the colony, could state to Dartmouth that "the Assembly have declared their desire only to be put in the situation they were in before the Stamp Act." In Massachusetts, Franklin's view that the Bay Colony was and always had been a "separate," distinct state was rapidly gaining acceptance. Early in 1774, Franklin, in a communication to the Speaker of the House of Representatives, significantly described his activities in London on behalf of the Massachusetts Bay legislature as intended "to lessen the breach between two states of the same empire . . . by showing that the injuries complained of by one of them did not proceed from the other, but from traitors among themselves." As Franklin saw it, the attempt of Hutchinson and other supporters of the Crown to uphold the Parliament against the Assembly was nothing short of treason.

Had the ministry, when on March 4, 1774, it had the King summon Parliament to consider the disturbances in America, fully realized the gravity of the crisis that now confronted the British Empire and the nature of the forces that were arrayed in America against the mother country, it is hard to believe that it would have acted as it did. Franklin perceived far more clearly than did the King and Lord North the realities of the situation. He recognized the fact that the old continental colonies, in actuality if not in theory, had become states within the Empire and would no longer be treated as immature political dependencies. Previously the British Government had sought rule by consent. Now the concept of rule by consent was to give way to rule by coercion. But the new formula was first to be applied not against *all* the colonies but rather against *one*—the chief center of resistance.

IV

The English Reaction

WITHIN LESS THAN FOUR MONTHS after the Boston Tea Party the British decided to punish and make an example of Massachusetts. Retaliation took the form of the Coercive Acts. The Boston Port Act closed that harbor until the destroyed tea was paid for, the Massachusetts Government Act reorganized that colony's government to make it fit the pattern of royal government in New York and Virginia. A third act legalizing the quartering of troops in Massachusetts towns was not unfamiliar legislation. The fourth measure allowed cases against English officials resulting from enforcement of laws to be tried in England or in another colony to assure a fair trial. These four laws plus the Quebec Act, which gave religious toleration to Catholics, altered the form of government, and extended the boundaries of that province southward, were generally referred to by the colonists as the Intolerable Acts. In the selection that follows from John C. Miller, *Origins of the American Revolution*, English reaction to colonial resistance is discussed.¹⁰

THE TEA PARTY generated an "electrical Shock" of such voltage that all England was agitated. Few doubted that the Saints had risen in rebellion and were about to declare themselves independent of the mother country. Many Englishmen compared the Tea Party with the rebellion of 1745; instead of Charles Stuart at the head of Highland clans, Sam Adams now led "a banditti of hypocrites" against Great Britain. After having long abused the mother country and planted thorns in her bed, the Bostonians had at last given her "a Blow in full Face of the World"—"the most wanton and unprovoked insult to the civil power that is recorded in history." Lord North was dumbfounded by the news from Boston; he declared that it was impossible for any man to have foreseen that these perverse colonists would rise up against a tax which made tea cheaper than it had ever been before. He insisted that he had given the colonists "a relief instead of an oppression" and that of all mankind, only "New England Fanatics" would have rebelled against it. *The turn of events dismayed North: the colonial pot was again at full boil and there seemed little rest in store for British ministers until those seething waters had been quieted.*

The Tea Party silenced almost the last appeaser in England. Even the Whigs were aghast

at the rashness of the Bostonians. Chatham declared that the Tea Party was "certainly criminal" and that Boston ought to make restitution. Few Englishmen believed that the mother country could retain its sovereignty if it retreated in the face of such outrage: it was now said upon every side that the colonists must be chastised into submission. If Americans were to enjoy the privilege of rejecting acts of Parliament as they chose, there could be little doubt that "they will without ceremony reject the whole statute books, and so save Parliament any further trouble," and that "in process of time, if this kingdom is tame enough, they may proceed to control and tax it, instead of Parliament regulating and taxing them." As Lord North said, the dispute was no longer over taxation but whether Great Britain possessed any authority whatever over the "haughty American Republicans." "We must master them or totally leave them to themselves and treat them as Aliens," said George III; unless the mother country acted firmly, its laws would have no more currency in America than Papal Bulls. "It is, no doubt, very easy for our Parliament to repeal all their late Acts," an Englishman observed; "but nothing less than the Almighty Power . . . would be able to repeal from the perverted Minds of those Americans the Impression which such a Conduct would leave behind it. Every Act which had been passed against them would be produced as so many Proofs of our Folly and Injustice; every Repeal of those

¹⁰ From *Origins of the American Revolution* by John C. Miller, by permission of Little, Brown & Co. Copyright, 1913, by John C. Miller. Pp. 355-359.

Acts, as equal Proofs of our Weakness, Disunion, and Timidity." Englishmen believed that they had erred upon the side of patience and kindness: "Men accustomed to think themselves masters," said Dr. Johnson, "do not love to be threatened," yet they had taken insults and abuse from Americans that no true-born Briton ought to be expected to endure. But the mistress of the seas, the conqueror of France and Spain and the terror of the evildoers of the world, could no longer sit still while a knot of agitators and firebrands in her own colonies sought to destroy the empire. If England were to continue to hold up her head in Europe as a great power, she could not permit "a petty little province, the creature of our own hands, the bubble of our own breath," to hurl defiance across the Atlantic with impunity.

The demand for a final reckoning with the colonies was strengthened by the fact that the dispute was chiefly with the Bostonians, the most hateful, to Britons, of all the colonists. Had the tea not been destroyed at Boston, the advocates of compromise might have made their voices heard; but to surrender to Boston in 1774 was a humiliation which few Englishmen could bear. "I would rather," exclaimed an Englishman, "all the Hamilcars, and all the Hannibals that Boston ever bred; all the Hancocks, and all the Sad-Cocks, and sad dogs of Massachusetts Bay; all the heroes of tar and feathers, and the champions, maimers of unpatriotic horses, males, and mules, were led up to the Altar, or to Liberty Tree, there to be exalted and rewarded according to their merit or demerit, than that Britain should disgrace herself by receding from her just authority." From its settlement, Boston had seemingly been "a nest of rebels and hypocrites"; "obstinate, undutiful, and ungovernable from the very beginning." All the colonial troubles, it was said, could be traced to Boston; it had spread seditious doctrines over America and had committed "more atrocious Acts of Outrage than any other part of the Colonies." As the "first movers, and the main spring of all this contention," Bostonians gloried in their misbehavior and dignified sedition by calling it patriotism and love of liberty. They had proved themselves to be "a canker worm in the heart of America" and a "rotten limb which (if suffered to remain) will inevitably destroy the whole body of that extensive country." The Saints had made such inroads upon British authority that the question now seemed to be whether Boston, "the center of American politics, and source of all the controversy, shall be, to all intents and

purposes, the capital of the British empire, the seat and center of government," or whether London should retain its pre-eminence. It was observed that every year "the American capital gains very large and dangerous strides upon the British capital"; but by rushing into premature rebellion, the Saints had given Great Britain an opportunity to smash this wasps' nest before the authority of the mother country had been totally destroyed.

In the opinion of many Englishmen, the Boston Saints deserved nothing less than "canonizing" for the Tea Party. They declared that "it would be best to blow the town of *Boston* about the ears of its inhabitants, and to destroy that nest of *locusts*"; and, for good measure, they urged that "about one hundred of these puritanical rebels" be hung. "I wish the Bostonians were at the d—l," exclaimed a member of Parliament, "for they are likely to be a continual plague to us." Those who raised the cry of *Delenda est Bostoniensis* urged Englishmen to cast off their scruples over using force against their subjects overseas; having treated Great Britain "like a foreign enemy," Bostonians merited the same harsh treatment that France and Spain would have meted out to their colonists had they risen in rebellion.

Lord North refused to yield to this clamor for bloody reprisals. Instead of battering Boston about the heads of the Sons of Liberty, he favored the more refined method of starving them into submission. This was the purpose of the Boston Port Bill which was introduced into Parliament in March 1774. It provided that the Puritan metropolis be closed to all shipping — in effect removing it thirty miles from the sea — until the citizens had paid the East India Company for the tea destroyed at the Tea Party, compensated the revenue officers for the losses they had incurred at the hands of the mob, and otherwise given the Crown evidence of their good intentions. North believed that by singling out Boston for punishment he had provided against a new colonial union; but to make certain that Americans did not permit their sympathy for Boston to draw them into the quarrel, he proposed to keep them busy scrambling for Boston's trade. He anticipated great popularity for himself among the New York and New Hampshire merchants, who, it was expected, would leap at this opportunity of growing rich on Boston's ruin.

Lord North's Port Bill was also recommended by its economy. Four or five frigates stationed in Boston Harbor and a few regiments of British

regulars in Boston itself to keep order would, he told the House, "do the business." The events of 1768 gave good grounds for believing that the Bostonians would submit without a struggle and that the other colonies would not come to their aid. When the British fleet hove-to off Boston, it was predicted, "the Boston voters will scamper behind their counters . . . assume an affecting hypocritical air, clap their hands, cast up their eyes to heaven, wonder if the King knows their oppressive situation," and declare that Parliament was misled by the wicked Ministry or it "would not have so grievously vexed the hearts of the Lord's people." That Boston would stand alone seemed certain to North and his colleagues. "Will the Colonies, who have been repeatedly persecuted, deluded and betrayed by the Bostonians, engage in a REBELLION to support them?" asked an Englishman.

The Boston Port Bill was passed by the House of Commons on March 25, 1774, without a division "but after a pretty long debate." An overwhelming majority was determined to deal

firmly with the "Boston mutineers"; certainly no member had to be bribed to vote for the bill. George III rejoiced that at last England was united: "The feebleness and futility of the Opposition to the Boston Port Bill," he declared, "shows the rectitude of the measure." What little opposition there was came chiefly from those who contended not that Boston was punished with undue severity but that the bill gave too great power to the Crown. Charles James Fox and Lord Shelburne, for example, declared that Boston should not be compelled to apply to the Crown for relief: the townspeople's quarrel was with Parliament and therefore Parliament ought to have the power of relaxing the restrictions it imposed. A few objected that by the Port Bill, the innocent as well as the guilty suffered; but Dr. Samuel Johnson thundered that the Bostonians were like rebels who had seized and fortified a town — thus putting "the harmless burghers and the criminal garrison" in equal danger of destruction.

Chapter Four

The Revolutionary Era, 1774-1783



The Battle at the North Bridge, Concord

THE COERCIVE ACTS OF 1774 had demonstrated England's belief that only by strong measures could she maintain authority over her colonies. On the other hand, increased radicalism in the colonies and dissatisfaction with any British or conservative colonial proposals lessened the possibility that an acceptable compromise could be reached. More than ten years of growing discord between England and her colonies had produced a crisis from which neither could gracefully retreat. By 1774 the bonds of empire had almost reached the breaking point.

The British had failed to develop colonial policies which distributed the powers of government in such a way as to satisfy the colonists and keep them in the empire. Their administrative set-up may have been adequate to govern "plantations," but it was seriously deficient for a more mature society like that found in America in 1774. Federalism, or the idea of the dominion system, was suggested, but found few supporters. Yet, in 1774 scarcely anyone in America was bold enough openly to advocate independence from Great Britain.

The trend of events, however, moved the people toward a complete break with the mother country. The activities of Samuel Adams, Pat-

rick Henry and other radicals were having an increasing effect by 1774. The restrictive commercial policies of England caused many members of the merchant class to support independence. The local military engagements of Lexington and Concord in April, 1775, tended to generate a patriotic and independent spirit, and the writings of revolutionaries like Thomas Paine added further rationalization for the colonial cause. The logical outcome of the dispute between England and her colonies came in 1776 with the Declaration of Independence.

But independence was more easily declared than achieved. Probably not more than one-third of the former colonists actually supported the revolutionary cause, and General Washington lacked the men and supplies which seemed necessary to victory. However, the skill, loyalty, and character of Washington made up for many of these deficits, and French aid proved to be of utmost importance in determining the final outcome. After eight years of dilatory fighting the British were willing to grant independence to their former colonists. A remaining question was whether the Americans could form a government sufficient to meet the exigencies of independence.

I

The First Continental Congress, 1774

THE COLONISTS VIEWED THE Coercive Acts as dangerous to their rights and liberties. As an accompanying measure, the Quebec Act was objectionable because it extended the boundaries of that province south to the Ohio and west to the Mississippi, thus again interfering with the western land claims of several colonies. A new pamphlet war broke out and the First Continental Congress was called to meet in Philadelphia on September 5, 1774. Its two principal actions were the adoption of the "Declaration of Rights" and an agreement for non-importation, non-exportation, and non consumption of British goods. John C. Miller's *Origins of the American Revolution*¹ gives a vivid picture of American public opinion as mirrored by the delegates to and the actions of this Congress.

THE CONTINENTAL CONGRESS met in one of the most conservative of the seaport towns from which the revolutionary movement stemmed. Philadelphia patriots complained that there was more Toryism in Pennsylvania than in all the colonies combined; certainly the Quakers who dominated the province were more concerned in putting down radicalism at home than resisting tyranny from abroad. The character of the delegates who assembled in Philadelphia in September 1774 was likewise a good augury to the conservatives. The Continental Congress was composed of "the ablest and wealthiest men in America;" Chatham pronounced it to be "the most honourable Assembly of Statesmen since those of the ancient Greeks and Romans, in the most virtuous Times." In the opinion of the radicals, however, there were far too few "Old Romans" among the delegates. John Adams calculated that they were "one third Tories, another Whigs, and the rest mongrels"; and he found "Trimsters & Timeservers" upon every side. Fifth columnism was at work, as the patriots soon learned; despite the best efforts of Congress to preserve secrecy, the British government was informed of all its proceedings.

Nevertheless, the aristocratic complexion of Congress was no guarantee against its radicalism. Its delegates included both the well-heeled and the down-at-heel but the line which divided the

extremists from the conservatives was not one of wealth or social position: some of the bluest-blooded members were among the most radical in combating British tyranny. The work of the Continental Congress soon demonstrated that the American aristocracy was divided against itself and that this division worked in favor of the triumph of radicalism.

It is significant that from the beginning the Continental Congress associated itself with the democratic elements in Philadelphia. Instead of meeting in the State House as Joseph Galloway desired, the members chose Carpenters' Hall, the meeting place of the Philadelphia Carpenters' Guild—a move which conservatives deplored as an unseemly attempt to curry favor with the working class of Philadelphia. They soon received another disquieting indication of the temper of Congress: Charles Thomson, the leading radical of Philadelphia, was chosen secretary although his radicalism had prevented him from being elected to that body by the voters of Philadelphia.

The conservatives stood ready to meet violent counsel from the New England delegates. They had raised their defenses against Northern radicalism by putting Americans on their guard against New England firebrands. But they had not reckoned with Yankee shrewdness. The New England delegates, who had been expected to roar like lions, proved meek as lambs. At the meetings they were so quiet and unobtrusive that they seemed to have come to Philadelphia solely to enjoy the peace and restful surroundings of

¹From *Origins of the American Revolution* by John C. Miller, by permission of Little, Brown & Co. and the Atlantic Monthly Press. Copyright 1913 by John C. Miller. Pp. 379-392.

the City of Brotherly Love. This surprising behavior nonplused the conservatives: their denunciations of New Englanders died upon their lips and they were obliged to face the attack of the enemy from an unexpected quarter.

While the New Englanders discreetly remained in the background the Virginians and Carolinians stepped forward as champions of the patriot cause. These patricians were protected by their birth and breeding from the conservatives' sharpest shafts. A New Englander was peculiarly vulnerable to attack because of the strong prejudice that existed in the colonies against the "pumpkin gentry" and their democratic ways; but Virginia and Carolina planters could hardly be pilloried as "upstarts" and "levelers." They gave the revolutionary movement a respectability and "tone" which New Englanders alone could not have bestowed upon it. "There are some fine fellows come from Virginia, but they are very high," remarked a Pennsylvanian. "The Bostonians are mere milksops to them." The true fire-eating Whigs seemed to come from south of the Potomac: Christopher Gadsden of South Carolina urged that Gage and the British troops in Boston should be attacked before reinforcements could arrive; Richard Henry Lee of Virginia proposed the Nonimportation and Non-exportation Agreement; and Patrick Henry argued that the empire already was dissolved and that the colonies were in a "state of nature."

Nevertheless, it was Virginia that prevented the Continental Congress, in drawing up its list of colonial grievances, from delving further back into history than 1763. The Virginia delegates were bound by instructions to confine their attention to measures dating from 1763, in order, as they put it, that greater odium might be cast upon the reign of George III. This meant that no mention could be made of the Navigation Acts or restraints upon colonial manufacturing and that "the many aggressions which had been committed by Great Britain upon her infant Colonies" could not be cited. Virginia thus kept the lid on a Pandora's box of complaints which some of the radicals were eager to open. Those who wished to lay bare all the oppressions of the mother country since the settlement of the colonies would also have insisted upon a full redress of grievances. In their opinion, it would be disastrous for American liberty if the colonies gained nothing more than the repeal of the oppressive measures passed since 1763. Yet when an attempt was made to enumerate the full cata-

logue of wrongs, the Virginia delegates found allies in the members from North Carolina and Maryland who rallied to the side of the Old Dominion and obliged the radicals to yield to Virginia's wishes.

In stating its grievances, the Continental Congress therefore confined its attention to the period beginning with George Grenville's administration. It conceded that Parliament had the right to regulate colonial trade and declared that a full settlement of the controversy might be made on the basis of a repeal of all oppressive measures enacted since 1763 and a return to the principles of the "Old Empire." Thus the members of the Congress "stated the lowest terms they thought possible to be accepted, in order to convince the world that they were not unreasonable." Moreover, in their petition to the King they addressed him as their "Most Gracious Sovereign" and assured him that if he would but turn his "royal indignation" upon those "designing and dangerous men" in the Ministry who were "prosecuting the most desperate and irritating projects of oppression," all would be well in the empire—an oversimplification of the dispute between mother country and colonies which some of the radicals soon regretted they had consented to.

The consequence of the collaboration of Southern gentlemen and New England "republicans" was, as the Tories declared, that "Adams, with his crew, and the haughty Sultans of the south, juggled the whole conclave of the Delegates." Few conservatives believed that because the New England delegates appeared in public as angels of patience and good will they were not working underground digging pits for the feet of the conservatives; and the party found convincing proof of such sapping and mining in the fate of Joseph Galloway's plan of union which was presented to Congress in September 1774.

Despite repeated rebuffs by Congress, Joseph Galloway still hoped to thwart the plans of the radicals. He believed that if he could persuade Congress to open negotiations with Great Britain the crust of prejudice and misunderstanding would be broken and reconciliation be assured. He saw that the conservatives must lose no time in assuming the leadership; if Sam Adams and the radicals took the helm, he knew that there would be no port short of independence. Though he personally believed that colonial representation in Parliament offered the best prospects of reconciling British sovereignty

with colonial liberty, he recognized the futility of making such a proposal in 1774. Therefore, as a second-best plan he suggested that an American legislature or Grand Council be created, the members of which were to be elected by the colonial assemblies. The colonies would continue to exercise authority over internal affairs; the Grand Council was to have jurisdiction over the general concerns of the colonies and to enjoy "all the like rights, liberties and privileges, as are held and exercised by and in the House of Commons of Great Britain." The Grand Council was in fact to be an inferior branch of the British Parliament. Acts might be introduced in Parliament relative to colonial affairs which, if passed, were to be sent to the Grand Council for its approbation; the assent of both the Grand Council and the Parliament was necessary to give validity to laws. The Crown was to be represented by a Resident General who held office during the King's pleasure, exercised executive authority, and held a veto power upon all acts of the Grand Council.

With this plan of union, Galloway expected to take the wind out of the sails of the radicals. He was well aware that the majority of Americans wished to remain united to the mother country and that if they could be convinced that British sovereignty was compatible with colonial freedom, they would cease to follow the radicals toward revolution. The chief recommendation of his plan, he believed, was that *"the strength of the whole empire may be drawn together on any emergency, the interest of both countries advanced, and the rights and liberties of America secured."* To those conservatives who objected that his scheme was too democratic inasmuch as it did not provide for a privy council consisting of the "principal Gentlemen of Fortune in each Colony," Galloway answered that he could not afford to offend the "Democratic Spirits" in Congress however necessary he considered a privy council to be. He took into account the prejudices of Americans and made his plan as broadly popular as possible. How well he had wrought was seen by the narrow margin by which the radicals defeated his proposal in Congress. . . .

More bitter proof was soon presented to conservatives that they had miscalculated in supposing that the Continental Congress would uphold the cause of reconciliation. Those who had expected that by joining in the cry for a Continental Congress they were averting a boycott were given a rude jolt when, on September 27, 1774, Congress voted for nonintercourse with the

mother country. In October 1774, nonimportation, nonexportation, and nonconsumption were agreed upon under the name of the "Continental Association" and Americans were called upon to gird themselves for another struggle with the mother country.

Congress found little difficulty in drawing up a Nonimportation Agreement although some of the delegates balked at foregoing wine. "I drank Madeira at a great rate and found no inconvenience in it," wrote John Adams from Philadelphia; and many members of Congress were prepared to go so far as to say that they found it delightful. Although wine was banned by the Association, in 1776 John Hancock proposed in Congress that Madeira be permitted free entry, in order, it was said, to curry favor with Southern Congressmen and to slake his own well-known thirst. But in 1774 the members of Congress were in a self-sacrificing mood. The Association prohibited "every species of extravagance and dissipation, especially all horse-racing, and all kinds of gaming, cock-fighting, exhibitions of shews, plays, and other expensive diversions and entertainments." For the duration at least, Americans seemed committed to Spartan simplicity.

Because the merchants were under suspicion as profiteers and traitors as a result of the failure of the boycott in 1770, Congress took the control of the Association out of their hands. In the first place, the people were asked to pledge themselves not to buy British merchandise — the Nonconsumption Agreement — thus leaving ill-disposed merchants no market for their proscribed wares. Secondly, the enforcement of the Association was entrusted to local committees usually dominated by the radicals. It was believed that these safeguards made it impossible for "the whole mercantile interest of America, joined together in devotion to the ministerial system of tyranny, to beguile the country yeomanry." The merchants had clearly been demoted from command to a humble position in the ranks: the committees frequently demanded that their ledgers and invoices be opened for inspection and maintained a far more effective watch upon shipping than had the customhouse officers from whose "tyranny" the unhappy businessmen had recently freed themselves.

It was agreed that the Nonimportation and Nonconsumption Agreements were to go into effect on December 1, 1774, and to apply against Great Britain, Ireland, and the British West Indies. But here the smooth passage of the Asso-

ciation ended. A dispute so violent that it almost broke up Congress arose over the question of whether the Nonexportation Agreement was to be absolute or merely partial. Many delegates believed that complete nonexportation would ruin Southern agriculture as surely as the Port Act was ruining Boston. John Rutledge, one of the members from South Carolina, declared that whereas nonexportation would not seriously injure the Northern colonies, it would lay waste the staples of the South. He saw in the proposal an attempt by the Northerners to profit by the misfortunes of the Southern provinces. "Upon the whole," he declared, "the affair seemed rather like a commercial scheme, among the flour Colonies, to find a better vent for their flour through the British Channel, by preventing, if possible, any rice from being sent to those markets: and, for his part, he could never consent to our becoming dupes to the people of the north." To forestall this evil, Virginia pleaded for a postponement of the agreement until the autumn of 1776; and a compromise was ultimately arrived at between Northern and Southern members by which it was deferred until September 1775. But the South Carolina delegation was not yet satisfied. The majority declared that they would not sign the Associa-

tion unless rice and indigo were excepted; and to lend force to their threat they walked out of Congress. To bring them back to the fold, it was necessary to make another compromise whereby rice but not indigo was given free outlet to European markets. Although the colonial union was saved by this device, the Association was gravely weakened. Discontent started up among the Northerners, who asked why, if South Carolinians were privileged to export their rice, should not the other colonies be allowed to send their wheat, flour, and lumber to Europe and the West Indies? . . .

A question which hardly entered into the calculations of those who predicted a bloodless conquest of Great Britain by means of the Continental Association was the danger that armed conflict between New Englanders and the British troops in Boston would precipitate war. Massachusetts had been guaranteed the support of Congress if war was forced upon the colony; but only a handful of Americans seemed to have foreseen in the winter of 1774-1775 that fighting was imminent. Few believed as did Patrick Henry that "the next gale from the north will bring to our ears the clash of resounding arms" and fewer still shared his joy in the prospect of conflict.

II

Causes of the American Revolution

THE POLITICAL AND RELIGIOUS PRIVILEGES which were given to English settlers caused many radicals and dissenters to emigrate to America. Thus the first seeds of the American Revolution fell on American soil. The inauguration of a revenue policy by Great Britain after 1763 caused the first open expression of opposition in America. The Sugar Act, the Stamp Act, the Declaratory Act, the Townshend Duty Act, the Boston Massacre, the burning of the *Gaspee*, Samuel Adams's local committees of correspondence, the colonial committees of correspondence, the Intolerable Acts, and the Lexington and Concord affair followed one another to lead to the meeting in Philadelphia that wrote the Declaration of Independence.

1. DECLARATION OF THE CAUSES AND NECESSITY OF TAKING UP ARMS

After the clash between British regulars and colonial militia at Lexington Common and Concord on

the morning of April 19, 1775, the colonials increased their vigilance over British troops, determined all the more to protect local rights. The second meeting of the Continental Congress convened at Philadelphia in May, 1775, and within two months adopted a

declaration of causes of taking up arms. 'It was not an easy decision to make. The declaration contains a list of nine grievances against the English government, among them taxation and admiralty courts. This declaration is given below.'

IF IT WAS POSSIBLE FOR MEN, who exercise their reason, to believe, that the Divine Author of our existence intended a part of the human race to hold an absolute property in, and an unbounded power over others, marked out by his infinite goodness and wisdom, as the objects of a legal domination never rightfully resistible, however severe and oppressive, the Inhabitants of these Colonies might at least require from the Parliament of Great Britain some evidence, that this dreadful authority over them, has been granted to that body. But a reverence for our great Creator, principles of humanity, and the dictates of common sense, must convince all those who reflect upon the subject, that government was instituted to promote the welfare of mankind, and ought to be administered for the attainment of that end. The legislature of Great Britain, however, stimulated by an inordinate passion for a power, not only unjustifiable, but which they know to be peculiarly reprobated by the very constitution of that kingdom, and desperate of success in any mode of contest, where regard should be had to truth, law, or right, have at length, deserting those, attempted to effect their cruel and impolitic purpose of enslaving these Colonies by violence, and have thereby rendered it necessary for us to close with their last appeal from Reason to Arms. — Yet, however blinded that assembly may be, by their intemperate rage for unlimited domination, so to slight justice and the opinion of mankind, we esteem ourselves bound, by obligations of respect to the rest of the world, to make known the justice of our cause.

Our forefathers, inhabitants of the island of Great Britain, left their native land, to seek on these shores a residence for civil and religious freedom. At the expense of their blood, at the hazard of their fortunes, without the least charge to the country from which they removed, by unceasing labour, and an unconquerable spirit, they effected settlements in the distant and inhospitable wilds of America, then filled with numerous and warlike nations of barbarians. Societies or governments, vested with perfect legislatures, were formed under charters from the crown, and an harmonious intercourse was

established between the colonies and the kingdom from which they derived their origin. The mutual benefits of this union became in a short time so extraordinary, as to excite astonishment. It is universally confessed, that the amazing increase of the wealth, strength, and navigation of the realm, arose from this source; and the minister, who so wisely and successfully directed the measures of Great Britain in the late war, publicly declared, that these colonies enabled her to triumph over her enemies. Towards the conclusion of that war, it pleased our sovereign to make a change in his counsels. From that fatal moment, the affairs of the British empire began to fall into confusion, and gradually sliding from the summit of glorious prosperity, to which they had been advanced by the virtues and abilities of one man, are at length distracted by the convulsions, that now shake it to its deepest foundations. The new ministry finding the brave foes of Britain, though frequently defeated, yet still contending, took up the unfortunate idea of granting them a hasty peace, and of then subduing her faithful friends.

These devoted colonies were judged to be in such a state, as to present victories without bloodshed, and all easy emoluments of statuteable plunder. — The uninterrupted tenor of their peaceable and respectful behaviour from the beginning of colonization, their dutiful, zealous, and useful services during the war, though so recently and amply acknowledged in the most honorable manner by his majesty, by the late king, and by Parliament, could not save them from the meditated innovations. — Parliament was influenced to adopt the pernicious project, and assuming a new power over them, have, in the course of eleven years, given such decisive specimens of the spirit and consequences attending this power, as to leave no doubt concerning the effects of acquiescence under it. They have undertaken to give and grant our money without our consent, though we have ever exercised an exclusive right to dispose of our own property; statutes have been passed for extending the jurisdiction of courts of Admiralty and Vice-Admiralty beyond their ancient limits; for depriving us of the accustomed and inestimable privilege of trial by jury, in cases affecting both life and property; for suspending the legislature of one of the colonies; for interdicting all commerce to the capital of another; and for altering fundamentally the form of government established by charter, and secured by acts of its own legislature solemnly confirmed by

² W. C. Ford, ed., *Journals of the Continental Congress* (Washington, 1904-37). II, pp. 140-157.

the crown; for exempting the "murderers" of colonists from legal trial, and in effect, from punishment; for erecting in a neighboring province, acquired by the joint arms of Great Britain and America, a despotism dangerous to our very existence; and for quartering soldiers upon the colonists in time of profound peace. It has also been resolved in parliament, that colonists charged with committing certain offences, shall be transported to England to be tried.

But why should we enumerate our injuries in detail? By one statute it is declared, that parliament can "of right make laws to bind us IN ALL CASES WHATSOEVER." What is to defend us against so enormous, so unlimited a power? Not a single man of those who assume it, is chosen by us; or is subject to our control or influence; but, on the contrary, they are all of them exempt from the operation of such laws, and an American revenue, if not diverted from the ostensible purposes for which it is raised, would actually lighten their own burdens in proportion, as they increase ours. We saw the misery to which such despotism would reduce us. We for ten years incessantly and ineffectually besieged the Throne as supplicants; we reasoned, we remonstrated with parliament, in the most mild and decent language. But Administration, sensible that we should regard these oppressive measures as freemen ought to do, sent over fleets and armies to enforce them. The indignation of the Americans was roused, it is true; but it was the indignation of a virtuous, loyal, and affectionate people. A Congress of Delegates from the United Colonies was assembled at Philadelphia, on the fifth day of last September. We resolved again to offer an humble and dutiful petition to the King, and also addressed our fellow-subjects of Great Britain. We have pursued every temperate, every respectful measure: we have even proceeded to break off our commercial intercourse with our fellow-subjects, as the last peaceable admonition, that our attachment to no nation upon earth should supplant our attachment to liberty. — This, we flattered ourselves, was the ultimate step of the controversy: But subsequent events have shewn, how vain was this hope of finding moderation in our enemies.

Several threatening expressions against the colonies were inserted in his Majesty's speech; our petition, though we were told it was a decent one, and that his Majesty had been pleased to receive it graciously, and to promise laying it before his Parliament, was huddled into both houses among a bundle of American papers, and

there neglected. The Lords and Commons in their address, in the month of February, said, that "a rebellion at that time actually existed within the province of Massachusetts bay; and that those concerned in it, had been countenanced and encouraged by unlawful combinations and engagements, entered into by his Majesty's subjects in several of the other colonies; and therefore they besought his Majesty, that he would take the most effectual measures to enforce due obedience to the laws and authority of the supreme legislature." — Soon after, the commercial intercourse of whole colonies, with foreign countries, and with each other, was cut off by an act of Parliament; by another, several of them were entirely prohibited from the fisheries in the seas near their coasts, on which they always depended for their sustenance; and large reinforcements of ships and troops were immediately sent over to General Gage.

Fruitless were all the entreaties, arguments, and eloquence of an illustrious band of the most distinguished Peers, and Commoners, who nobly and strenuously asserted the justice of our cause, to stay, or even to mitigate the heedless fury with which these accumulated and unexampled outrages were hurried on. . . .

. . . General Gage, who in the course of the last year had taken possession of the town of Boston, in the province of Massachusetts-Bay, and still occupied it as a garrison, on the 19th day of April, sent out from that place a large detachment of his army, who made an unprovoked assault on the inhabitants of the said province, at the town of Lexington, as appears by the affidavits of a great number of persons, some of whom were officers and soldiers of that detachment, murdered eight of the inhabitants, and wounded many others. From thence the troops proceeded in warlike array to the town of Concord, where they set upon another party of the inhabitants of the same province, killing several and wounding more, until compelled to retreat by the country people suddenly assembled to repel this cruel aggression. Hostilities, thus commenced by the British troops, have been since prosecuted by them without regard to faith or reputation. — The inhabitants of Boston being confined within that town by the General their Governor, and having, in order to procure their dismissal, entered into a treaty with him, it was stipulated that the said inhabitants having deposited their arms with their own magistrates, should have liberty to depart, taking with them their other effects. They accordingly delivered

up their arms, but in open violation of honor, in defiance of the obligation of treaties, which even savage nations esteemed sacred, the Governor ordered the arms deposited as aforesaid, that they might be preserved for their owners, to be seized by a body of soldiers; detained the greatest part of the inhabitants in the town, and compelled the few who were permitted to retire, to leave their most valuable effects behind. . . .

The General, further emulating his ministerial masters, by a proclamation bearing date on the 12th day of June, after venting the grossest falsehoods and calumnies against the good people of these colonies, proceeds to "declare them all, either by name or description, to be rebels and traitors, to supersede the course of the common law, and instead thereof to publish and order the use and exercise of the law martial." — His troops have butchered our countrymen, have wantonly burnt Charles-Town, besides a considerable number of houses in other places; our ships and vessels are seized; the necessary supplies of provisions are intercepted, and he is exerting his utmost power to spread destruction and devastation around him.

We have received certain intelligence, that General Carleton, the Governor of Canada, is instigating the people of that province and the Indians to fall upon us; and we have but too much reason to apprehend, that schemes have been formed to excite domestic enemies against us. In brief, a part of these colonies now feels, and all of them are sure of feeling, as far as the vengeance of administration can inflict them, the complicated calamities of fire, sword, and famine. — We are reduced to the alternative of chusing an unconditional submission to the tyranny of irritated ministers, or resistance by force. — The latter is our choice. — We have counted the cost of this contest, and find nothing so dreadful as voluntary slavery. — Honor, justice, and humanity, forbid us tamely to surrender that freedom which we received from our gallant ancestors, and which our innocent posterity have a right to receive from us. We cannot endure the infamy and guilt of resigning succeeding generations to that wretchedness which inevitably awaits them, if we basely entail hereditary bondage upon them.

Our cause is just. Our union is perfect. Our internal resources are great, and, if necessary, foreign assistance is undoubtedly attainable. — We gratefully acknowledge, as signal instances of the Divine favour towards us, that his Providence would not permit us to be called into this

severe controversy, until we were grown up to our present strength, had been previously exercised in warlike operation, and possessed of the means of defending ourselves — With hearts fortified with these animating reflections, we most solemnly, before God and the world, declare, that, exerting the utmost energy of those powers, which our beneficent Creator hath graciously bestowed upon us, the arms we have been compelled by our enemies to assume, we will, in defiance of every hazard, with unabating firmness and perseverance, employ for the preservation of our liberties; being with our [one] mind resolved to dye (*sic*) Free-men rather than to live Slaves.

Let this declaration should disquiet the minds of our friends and fellow-subjects in any part of the empire, we assure them that we mean not to dissolve that Union which has so long and so happily subsisted between us, and which we sincerely wish to see restored. — Necessity has not yet driven us into that desperate measure, or induced us to excite any other nation to war against them. — We have not raised armies with ambitious designs of separating from Great Britain, and establishing independent states. We fight not for glory or for conquest. We exhibit to mankind the remarkable spectacle of a people attacked by unprovoked enemies, without any imputation or even suspicion of offence. They boast of their privileges and civilization, and yet proffer no milder conditions than servitude or death.

In our own native land, in defence of the freedom that is our birth-right, and which we ever enjoyed till the late violation of it—for the protection of our property, acquired solely by the honest industry of our forefathers and ourselves, against violence actually offered, we have taken up arms. We shall lay them down when hostilities shall cease on the part of the aggressors, and all danger of their being renewed shall be removed, and not before.

With an humble confidence in the mercies of the supreme and impartial Judge and Ruler of the universe, we most devoutly implore his divine goodness to protect us happily through this great conflict, to dispose our adversaries to reconciliation on reasonable terms, and thereby to relieve the empire from the calamities of civil war.

By order of Congress,

JOHN HANCOCK,
President.

2. AN HISTORICAL ANALYSIS

In the preceding selection a contemporary statement of the causes for taking up arms was given. Since that account was drawn up, many writers have sifted and resisted the evidence in an attempt to fix the causes of the American Revolution. In the following extract Professor Claude H. Van Tyne, writing one hundred and thirty years after independence was declared, has given his interpretation of the motivating forces.³

NOT A CLAUSE in the Declaration of Independence sets forth the real and underlying cause of the American Revolution. The attention of its writer was bent upon recent events, and he dwelt only upon the immediate reasons for throwing off allegiance to the British government. In the dark of the storm already upon them, the men of the time could hardly look with clear vision back to ultimate causes. They could not see that the English kings had planted the seeds of the Revolution when, in their zeal to get America colonized, they had granted such political and religious privileges as tempted the radicals and dissenters of the time to migrate to America. Only historical research could reveal the fact that from the year 1620 the English government had been systematically stocking the colonies with dissenters and retaining in England the conformers. The tendency of colonization was to leave the conservatives in England, thus relatively increasing the conservative force at home, while the radicals went to America to fortify the radical political philosophy there. Thus England lost part of her potentiality for political development.

Not only were radicals constantly settling in the colonies, because of the privileges granted them there, but the crown neglected to enforce in the colonies the same regulations that it enforced at home. The Act of Uniformity was not extended to the colonies, though rigidly enforced in England; the viceregal officers, the governors, permitted themselves again and again to be browbeaten and disobeyed by the colonial legislatures; and even the king himself had allowed Massachusetts (1635) to overreach him by not giving up her charter.

After a century of great laxity towards the

colonies — a century in which the colonists were favored by political privileges shared by no other people of that age; after the environment had established new social conditions, and remoteness and isolation had created a local and individual hatred of restraint; after the absence of traditions had made possible the institution of representation by population, and self-government had taken on a new meaning in the world; after a great gulf had been fixed between the social, political, and economic institutions of the two parts of the English empire — only then did the British government enter upon a policy intended to make the empire a unity.

Independence had long existed in spirit in most of the essential matters of colonial life, and the British government had only to seek to establish its power over the colonies in order to arouse a desire for formal independence. The transition in England, therefore, to an imperial ideal, about the middle of the eighteenth century, doubtless caused the rending of the empire. Walpole and Newcastle, whose administrations had just preceded the reign of George III, had let the colonies alone, and thus aided the colonial at the expense of the imperial idea; while their successors, Grenville and Townshend, ruling not wisely but too well, forced the colonists to realize that they cared more for America than for England.

The time had come, though these ministers failed to see it, when the union of Great Britain with her colonies depended on the offspring's disposition towards the mother-country. Good feeling would preserve the union, but dissatisfaction would make even forcible control impossible. Social and political and economic ties still bound the colonists to the home land, but these were weak ties as compared with an irrepressible desire for self-growth. The expression of their political ideals unrestrained by the conservatism of the parent was a desired end to which they strove, almost unconscious of their object.

To understand the American Revolution, therefore, several facts must be clearly in mind — first, that Great Britain had for one hundred and fifty years been growing to the dignity of an empire, and that the thirteen colonies were a considerable part of that empire; second, the colonies had interests of their own which were not favored by the growing size and strength of the empire. They were advancing to new political ideals faster than the mother-country. Their economic interests were becoming differentiated from those of England. They were coming to

³ Claude H. Van Tyne, *The American Revolution, 1776-1783* (New York: Harper & Brothers, 1905). pp. 3-24. Copyright, 1905, by Harper & Brothers. Copyright, 1933, by Belle Joslyn Van Tyne. Used by permission of the publishers.

have wants and ambitions and hopes of their own quite distinct from those of Great Britain.

At the fatal time when the independent spirit of America had grown assertive, the politically active part of the British people began unconsciously to favor an imperial policy, which their ministers suggested, and which to them seemed the very essence of sound reasoning and good government. They approved of the proposed creation of executives who should be independent of the dictation of the colonial assemblies. There were also to be new administrative organs having power to enforce the colonial trade regulations; and the defensive system of the colonies was to be improved by a force of regular troops, which was in part to be supported by colonial taxes.

In order to accomplish these objects, the king's new minister, the assiduous Grenville, who knew the law better than the maxims of statesmanship, induced Parliament, in March, 1764, to resolve upon "certain stamp duties" for the colonies. A year later the "Gentle Shepherd," as Pitt had dubbed him, proved his watchfulness by getting a stamp act passed, which, though nearly a duplicate of one in force in England, and like one of Massachusetts' own laws, nevertheless aroused every colony to violent wrath.

This sudden flame of colonial passion rose from the embers of discontent with Grenville's policy of enforcing the trade or navigation laws — those restrictions upon colonial industries and commerce which were the outgrowth of a protective commercial policy which England had begun even before the discovery of America. As the colonies grew they began to be regarded as a source of wealth to the mother-country; and, at the same time that bounties were given them for raising commodities desired by England, restrictions were placed upon American trade. When the settlers of the northern and middle colonies began manufacturing for themselves, their industry no sooner interfered with English manufactures than a law was passed to prevent the exportation of the production and to limit the industry itself. This system of restrictions, though it necessarily established a real opposition of interest between America and England, does not seem on the whole to have been to the disadvantage of the colonies; nor was the English colonial system a whit more severe than that of other European countries.

In 1733, however, the Molasses Act went into effect, and, had it been enforced, would have

been a serious detriment to American interests. It not only aimed to stop the thriving colonial trade with the Dutch, French, and Spanish West Indies, but was intended to aid English planters in the British West Indies by laying a prohibitive duty on imported foreign sugar and molasses. It was not enforced, however, for the customs officials, by giving fraudulent clearances, acted in collusion with the colonial importers in evading the law; but, in 1761, during the war with France, the thrifty colonists carried on an illegal trade with the enemy, and Pitt demanded that the restrictive laws be enforced.

The difficulty of enforcing was great, for it was hard to seize the smuggled goods, and harder still to convict the smuggler in the colonial courts. Search-warrants were impracticable, because the legal manner of using them made the informer's name public, and the law was unable to protect him from the anger of a community fully in sympathy with the smugglers. The only feasible way to put down this unpatriotic trade with the enemy was to resort to "writs of assistance," which would give the customs officers a right to search for smuggled goods in any house they pleased. Such warrants were legal, had been used in America, and were frequently used in England, yet so highly developed was the American love of personal liberty that when James Otis, a Boston lawyer, resisted by an impassioned speech the issue of such writs his arguments met universal approval. In perfect good faith he argued, after the manner of the ancient-law-writers, that Parliament could not legalize tyranny, ignoring the historical fact that since the revolution of 1688 an act of Parliament was the highest guarantee of right, and Parliament the sovereign and supreme power. Nevertheless, the popularity of Otis's argument showed what America believed, and pointed very plainly the path of wise statemanship.

When, in 1763, the Pontiac Indian rebellion endangered the whole West and made necessary a force of soldiers in Canada, Grenville, in spite of the recent warning, determined that the colonies should share the burden which was rapidly increasing in England. He lowered the sugar and molasses duties, and set out to enforce their collection by every lawful means. The trouble which resulted developed more quickly in Massachusetts, because its harsh climate and sterile soil drove it to a carrying-trade, and the enforced navigation laws were thought to threaten its ruin. It was while American eco-

conomic affairs were in this condition that Grenville rashly aggravated the discontent by the passage of his Stamp Act.

As the resistance of the colonies to this taxation led straight to open war and final independence, it will be worth while to look rather closely at the stamp tax, and at the subject of representation, which was at once linked with it. The terms of the Stamp Act are not of great importance, because, though it did have at least one bad feature as a law, the whole opposition was on the ground that there should be no taxation whatever without representation. It made no difference to its enemies that the money obtained by the sale of stamps was to stay in America to support the soldiers needed for colonial protection. Nothing would appease them while the taxing body contained no representatives of their own choosing.

To attain this right, they made their fight upon legal and historical grounds — the least favorable they could have chosen. They indicated that, under the British constitution, there could be no taxation except by persons known and voted for by the persons taxed. The wisest men seemed not to see the kernel of the dispute. A very real danger threatened the colonies — subject as they were to a body unsympathetic with the political and economic conditions in which they were living — but they had no legal safeguard. They must either sever the existing constitutional bond or get Parliament of its own will to limit its power over the colonies. All unwittingly the opponents of the Stamp Act were struggling with a problem that could be solved only by revolution.

Two great fundamental questions were at issue: Should there be a British empire ruled by Parliament in all its parts, either in England or oversea? or should Parliament govern at home, and the colonial assemblies in America, with only a federal bond to unite them? Should the English understanding of representation be imposed upon the colonies? or should America's institution triumph in its own home? If there was to be a successful imperial system, Parliament must have the power to tax all parts of the empire. It was of no use to plead that Parliament had never taxed colonies before, for, as Dr. Johnson wrote, "We do not put a calf into the plough: we wait till it is an ox." The colonies were strong enough to stand taxation now, and the reasonable dispute must be as to the manner of it. To understand the widely different points of view of Englishmen and

Americans, we must examine their systems of representative government.

In electing members to the House of Commons in England certain ancient counties and boroughs were entitled to representation, each sending two members, regardless of the number of people within its territory. For a century and a half before the American Revolution only four new members were added to the fixed number in Parliament. Meanwhile, great cities had grown up which had no representation, though certain boroughs, once very properly represented, had become uninhabited, and the lord who owned the ground elected the members to Parliament, taking them, not from the district represented, but from any part of the kingdom. The franchise was usually possessed either by the owners of the favored pieces of land or in the boroughs chiefly by persons who inherited certain rights which marked them as freemen. A man had as many votes as there were constituencies in which he possessed the qualifications.

In the colonial assemblies there was a more distinct territorial basis for representation, and changes of population brought changes of representation. New towns sent new members to the provincial assembly, and held the right to be of great value. All adult men — even negroes in New England — owning a certain small amount of property could vote for these members. In the South only the landholders voted, but the supply of land was not limited, as in England, and it was easily acquired. Finally, the voter and the representative voted for must, as a rule, be residents of the same district. From the first the colonial political ideals were affected by new conditions. When they established representative government they had no historic places sanctified by tradition to be the sole breeding-places of members of Parliament.

Backed by such divergent traditions as these, the two parts of the British empire, or, more accurately, the dominant party in each section of the empire, faced each other upon a question of principle. Neither could believe in the honesty of the other, for each argued out of a different past. The opponents of the Stamp Act could not understand the political thinking which held them to be represented in the British Parliament. "No taxation without representation" meant for the colonist that taxes ought to be levied by a legislative body in which was seated a person known and voted for by the person taxed. An Englishman only asked that there be "no taxation except that voted by the House of Com-

mons." He was not concerned with the mode of election to that house or the interests of the persons composing it. The colonist called the Stamp Act tyranny, but the British government certainly intended none, for it acted upon the theory of virtual representation, the only kind of representation enjoyed by the great mass of Englishmen either at home or in the colonies. On that theory nothing was taxed except by the consent of the virtual representatives of those taxed. But, replied an American, in England the interests of electors and non-electors are the same. Security against any oppression of non-electors lies in the fact that it would be oppressive to electors also; but Americans have no such safeguard, for acts oppressive to them might be popular with English electors.

When the news of the Stamp Act came over-sea there was apparent apathy. The day of enforcement was six months away, and there was nothing to oppose but a law. It was the fitting time for an agitator. Patrick Henry, a gay, unprosperous, and unknown country lawyer, had been carried into the Virginia House of Burgesses on the public approval of his impassioned denial, in the "Parson's Cause" (1763), of the king's right to veto a needed law passed by the colonial legislature. He now offered some resolutions against the stamp tax, denying the right of Parliament to legislate in the internal affairs of the colony. This "alarm bell to the disaffected," and the fiery speech which secured its adoption by an irresolute assembly, were applauded everywhere. Jefferson said of Henry, that he "spoke as Homer wrote."

As soon as the names of the appointed stamp-distributors were made known (August 1, 1765) the masses expressed their displeasure in a way unfortunately too common in America. Throughout the land there was rifling of stamp-collectors' houses, threatening their lives, burning their records and documents, and even their houses. Their offices were demolished and their resignations compelled — in one case under a hanging effigy, suggestive of the result of refusal. The more moderate patriots cancelled their orders with British merchants, agreed not to remit their English debts, and dressed in homespun to avoid wearing imported clothes.

On the morning that the act went into effect (November 1, 1765) bells tolled the death of the nation. Shops were shut, flags hung at half-mast, and newspapers appeared with a death's-head where the stamps should have been. Mobs burned the stamps, and none were to be had to

legalize even the most solemn and important papers. The courts ignored them and the governors sanctioned their omission. None could be used, because none could be obtained. All America endorsed the declaration of rights of the Stamp-Act Congress, which met in New York, October, 1765. It asserted that the colonists had the same liberties as British subjects. Circumstances, they declared, prevented the colonists from being represented in the House of Commons, therefore no taxes could be levied except by their respective legislatures.

This great ado was a complete surprise to the British government. On the passage of the Stamp Act, Walpole had written, "There has been nothing of note in Parliament but one slight day on the American taxes." That expressed the common conception of its importance; and when the Grenville ministry fell (July, 1765), and was succeeded by that of Rockingham, the American situation had absolutely nothing to do with the change. The new ministry was some months in deciding its policy. The king was one of the first to realize the situation, which he declared "the most serious that ever came before Parliament" (December 5, 1765). Weak and unwilling to act as the new ministry was, the situation compelled attention. The king at first favored coercion of the rebellious colonies, but the English merchants, suffering from the suspended trade, urged Parliament to repeal the act. Their demand decided the ministry to favor retraction, just as formerly their influence had forced the navigation laws and the restrictions on colonial manufactures. If the king and landed gentry were responsible for the immediate causes of the Revolution, the influence of the English commercial classes on legislation was the more ultimate cause.

After one of the longest and most heated debates in the history of Parliament, under the advice of Benjamin Franklin, given at the bar of the House of Commons, and with the powerful aid of Pitt and Camden, the Stamp Act was repealed. Another act passed at the same time asserted Parliament's power to legislate for the colonies in all cases whatsoever. Thus the fire-brand was left smouldering amid the inflammable colonial affairs; and Burke was quick to point out that the right to tax, or any other right insisted upon after it ceased to harmonize with prudence and expediency, would lead to disaster.

It is plain to-day that the only way to keep up the nominal union between Great Britain and her colonies was to let them alone. The

colonies felt strongly the ties of blood, interest, and affection which bound them to England. They would all have vowed, after the repeal of the Stamp Act, that they loved their parent much more than they loved one another. They felt only the normal adult instinct to act independently. Could the British government have given up the imperial idea to which it so tenaciously clung, a federal union might have been preserved.

The genius of dissolution, however, gained control of the ministry which next came into power. When illness withdrew Pitt from the "Mosaic Ministry," which he and Grafton had formed, Townshend's brilliant talents gave him the unquestioned lead. This man, who is said to have surpassed Burke in wit and Chatham in solid sense, determined to try again to tax the colonies for imperial purposes. He ridiculed the distinction between external and internal tax; but since the colonists had put stress on the illegality of the latter he laid the new tax on imported articles, and prepared to collect at the custom-houses. The income was to pay the salaries of colonial governors and judges, and thus render them independent of the tyrannical and contentious assemblies. Writs of assistance, so effective in enforcing the revenue laws, but so hated by the colonists, were legalized. The collection of the revenue was further aided by admiralty courts, which should try the cases without juries, thus preventing local sympathy from shielding the violators of the law.

All the indifference into which America had relapsed, and which the agitators so much deplored, at once disappeared. The right of trial by jury was held to be inalienable. The control of the judiciary and executive by the people was necessary to free government, asserted the pamphleteers. Parliament could not legalize "writs of assistance," they rashly cried. The former sticking at an internal tax was forgotten, and they objected to any tax whatever—a more logical position, which John Dickinson, of Pennsylvania, supported by the assertion "that any law, in so far as it creates expense, is in reality a tax." Samuel Adams drew up a circular letter, which the Massachusetts assembly dispatched to the other colonial assemblies, urging concerted action against this new attack on colonial liberties. The British government, through the colonial governors, attempted to squelch this letter, but the Massachusetts assembly refused to rescind, and the other colonies were quick to embrace its cause.

Signs were not wanting that the people as well as the political leaders were aroused. When the customs officials, in 1768, seized John Hancock's sloop *Liberty*, for alleged evasion of the customs duties, there was a riot which so frightened the officers that they fled to the fort and wrote to England for soldiers.

This and other acts of resistance to the government led Parliament to urge the king to exercise a right given him by an ancient act to cause persons charged with treason to be brought to England for trial. The Virginia assembly protested against this, and sent their protest to the other colonies for approval. The governor dissolved the assembly, but it met and voted a non-importation agreement, which also met favor in the other colonies. This economic argument again proved effective, and the Townshend measures were repealed, except the tax on tea; Parliament thus doing everything but remove the offence—"fixing a badge of slavery upon the Americans without service to their masters." The old trade regulations also remained to vex the colonists.

In order that no disproportionate blame may be attached to the king or his ministry for the bringing on of the Revolution, it must be noted that the English nation, the Parliament, and the king were all agreed when the sugar and stamp acts were passed; and though Parliament mustered a good-sized minority against the Townshend acts, nevertheless no unaccustomed influence in its favor was used by the king. Thus the elements of the cloud were all gathered before the king's personality began to intensify the oncoming storm. The later acts of Parliament and the conduct of the king had the sole purpose of overcoming resistance to established government. Most of these coercive acts, though no part of the original policy, were perfectly constitutional even in times of peace. They must be considered in their historical setting, however, just as President Lincoln's extraordinary acts in a time of like national peril. Henceforth we are dealing with the natural, though perhaps ill-judged, efforts of a government to repress a rebellion.

After the riot which followed the seizure of the *Liberty* (June, 1768), two regiments of British soldiers were stationed in Boston. The very inadequacy of the force made its relation with the citizens strained, for they resented without fearing it. After enduring months of jeering and vilification, the soldiers at last (March 5, 1770) fired upon a threatening mob, and four men

were killed. Much was made of the "massacre," as it was called, because it symbolized for the people the substitution of military for civil government. A Boston jury acquitted the soldiers, and, after a town-meeting, the removal of the two regiments was secured.

A period of quiet followed until the assembly and the governor got into a debate over the theoretical rights of the colonists. To spread the results of this debate, Samuel Adams devised the "committees of correspondence," which kept the towns of Massachusetts informed of the controversy in Boston. This furnished a model for the colonial committees of correspondence, which became the most efficient means for revolutionary organization. They created public opinion, set war itself in motion, and were the embryos of new governments when the old were destroyed.

The first provincial committee that met with general response from the other colonies was appointed by Virginia, March 12, 1773, to keep its assembly informed of the "*Gaspee* Commission." The *Gaspee* was a sort of revenue-cutter which, while too zealously enforcing the Navigation Acts, ran aground (June 9, 1772) in Narragansett Bay. Some Providence men seized and burned the vessel, and the British government appointed a commission to inquire into the affair. The commission met with universal opposition and had to report failure.

From this time on the chain of events that led to open rebellion consists of a series of links so plainly joined and so well known that they need only the barest mention in this brief introduction to the actual war. The British government tried to give temporary aid to the East India Company by remitting the heavy revenue on tea entering English ports, through which it must pass before being shipped to America, and by licensing the company itself to sell tea in America. To avoid yielding the principle for which they had been contending, they retained at colonial ports the threepenny duty, which was all that remained of the Townshend revenue scheme. Ships loaded with this cheap tea came into the several American ports and were received with different marks of odium at different places. In Boston, after peaceful attempts to prevent the landing proved of no avail, an impromptu band of Indians threw the tea overboard, so that the next morning saw it lying like sea-weed on Dorchester beach.

This outrage, as it was viewed in England, caused a general demand for repressive meas-

ures, and the five "intolerable acts" were passed and sent oversea to do the last irremediable mischief. Boston's port was closed until the town should pay for the tea. Massachusetts' charter was annulled, its town-meeting irksomely restrained, and its government so changed that its executive officers would all be under the king's control. Two other acts provided for the care and judicial privileges of the soldiers who soon came to enforce the acts. Finally, great offence was given the Protestant colonies by granting religious freedom to the Catholics of Quebec, and the bounds of that colony were extended to the Ohio River, thus arousing all the colonies claiming Western lands. Except in the case of Virginia, there was no real attack on their territorial integrity, but in the excitement there seemed to be.

Some strong incentive for the colonies to act together had long been the only thing needed to send the flame of rebellion along the whole sea-coast. When the British soldiers began the enforcement of the punishment meted to Boston, sympathy and fear furnished the common bond. After several proposals of an intercolonial congress, the step was actually taken on a call from oppressed Massachusetts (June 17, 1774). Delegates from every colony except Georgia met in Philadelphia in September, 1774. Seven of the twelve delegates were chosen not by the regular assemblies, but by revolutionary conventions called by local committees; while in Massachusetts, Rhode Island, and Connecticut, three of the remaining five states, the assemblies that sent the delegates were wholly dominated by the revolutionary element. Local committees may, therefore, be said to have created the congress, and they would now stand ready to enforce its will.

The assembled congress adopted a declaration of rights, but their great work was the forming an American association to enforce a non-importation and non-consumption agreement. Local committees were to see that all who traded with England or refused to associate were held up as enemies of their country. The delegates provided for a new congress in the following May, and adjourned.

Meanwhile, General Gage and his "pretorian guard" in Boston were administering the government of Massachusetts with noteworthy results. A general court of the colony was summoned by Gage, who, repenting, tried to put it off; but it met, formed a provincial congress, and, settling down at Cambridge, governed the

whole colony outside of Boston. It held the new royal government to be illegal, ordered the taxes paid to its own receiver instead of Gage's, and organized a militia. Gage at last determined to disarm the provincials. His raid to destroy the

stores at Concord (April 19, 1775) resulted in an ignominious retreat and the loss of two hundred and seventy-three men, to say nothing of bringing sixteen thousand patriots swarming about Boston.

III

The Declaration of Independence

SLIGHTLY MORE THAN A YEAR after the Second Continental Congress began its work, Richard Henry Lee of Virginia, upon instructions from his state, introduced a resolution which stated that "these united Colonies are and of right ought to be, free and independent States." In two other resolutions he called for confederation and foreign alliances. Five members of this Congress—Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston—were on the committee to draw up a declaration of independence. Thomas Jefferson was the principal author and his work was formally approved by the Second Continental Congress on July 4, 1776. The Declaration of Independence is given below.⁴

IN CONGRESS, JULY 4, 1776, THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA,

WHEN IN THE COURSE OF HUMAN EVENTS, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence,

indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the ac-

⁴F. N. Thorpe, comp. and ed., *The Federal and State Constitutions* (Washington, 1909), I, pp. 3-6.

commodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our People, and eat out their substance.

He has kept among us, in time of peace, Standing Armies without the Consent of our legislature.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their acts of pretended Legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a Neighbouring Province, establishing therein an Arbitrary government, and enlarging its boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the Lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free People.

Nor have We been wanting in attention to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been

deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States;

that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our Fortunes and our sacred Honor.

IV

The Crisis

PATRIOTS UNDOUBTEDLY HAILED the Declaration of Independence, but probably none foresaw the dark days that lay ahead. Hardly had the Declaration been announced before General Howe had driven Washington and his army from New York and across New Jersey. To many it looked as if the war was over as American morale dropped and the army dwindled away. But there was still reason for hope as Thomas Paine showed the doubters in *The American Crisis* I.⁵

THESE ARE THE TIMES that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it *now*, deserves the love and thanks of man and woman. Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph. What we obtain too cheap, we esteem too lightly: it is dearness only that gives every thing its value. Heaven knows how to put a proper price upon its goods; and it would be strange indeed if so celestial an article as FREEDOM should not be highly rated. Britain, with an army to enforce her tyranny, has declared that she has a right (*not only to TAX*) but "TO BIND us in ALL CASES WHATSOEVER," and if being *bound in that manner*, is not slavery, then is there not such a thing as slavery upon earth. Even the expression is impious; for so unlimited a power can belong only to God.

Whether the independence of the continent

⁵ M. D. Conway, ed., *The Writings of Thomas Paine* (New York: G. P. Putnam's Sons, 1894), I, pp. 170-179.

was declared too soon, or delayed too long, I will not now enter into as an argument; my own simple opinion is, that had it been eight months earlier, it would have been much better. We did not make a proper use of last winter, neither could we, while we were in a dependent state. However, the fault, if it were one, was all our own; we have none to blame but ourselves. But no great deal is lost yet. All that Howe has been doing for this month past, is rather a ravage than a conquest, which the spirit of the Jerseys, a year ago, would have quickly repulsed, and which time and a little resolution will soon recover.

I have as little superstition in me as any man living, but my secret opinion has ever been, and still is, that God Almighty will not give up a people to military destruction, or leave them unsupportedly to perish, who have so earnestly and so repeatedly sought to avoid the calamities of war, by every decent method which wisdom could invent. Neither have I so much of the infidel in me, as to suppose that He has relinquished the government of the world, and given us up to the care of devils; and as I do not, I cannot see

on what grounds the king of Britain can look up to heaven for help against us: a common murderer, a highwayman, or a house-breaker, has as good a pretence as he.

'Tis surprising to see how rapidly a panic will sometimes run through a country. All nations and ages have been subject to them. Britain has trembled like an ague at the report of a French fleet of flat-bottomed boats; and in the fourteenth [fifteenth] century the whole English army, after ravaging the kingdom of France, was driven back like men petrified with fear; and this brave exploit was performed by a few broken forces collected and headed by a woman, Joan of Arc. Would that heaven might inspire some Jersey maid to spirit up her countrymen, and save her fair fellow sufferers from ravage and ravishment! Yet panics, in some cases, have their uses; they produce as much good as hurt. Their duration is always short; the mind soon grows through them, and acquires a firmer habit than before. But their peculiar advantage is, that they are the touchstones of sincerity and hypocrisy, and bring things and men to light, which might otherwise have lain forever undiscovered. In fact, they have the same effect on secret traitors, which an imaginary apparition would have upon a private murderer. They sift out the hidden thoughts of man, and hold them up in public to the world. Many a disguised Tory has lately shown his head, that shall penitentially solemnize with curses the day on which Howe arrived upon the Delaware. . . .

I shall not now attempt to give all the particulars of our retreat to the Delaware; suffice it for the present to say, that both officers and men, though greatly harassed and fatigued, frequently without rest, covering, or provision, the inevitable consequences of a long retreat, bore it with a manly and martial spirit. All their wishes centered in one, which was, that the country would turn out and help them to drive the enemy back. Voltaire has remarked that King William never appeared to full advantage but in difficulties and in action; the same remark may be made on General Washington, for the character fits him. There is a natural firmness in some minds which cannot be unlocked by trifles, but which, when unlocked, discovers a cabinet of fortitude; and I reckon it among those kind of public blessings, which we do not immediately see, that God hath blessed him with uninterrupted health, and given him a mind that can even flourish upon care.

I shall conclude this paper with some miscel-

laneous remarks on the state of our affairs; and shall begin with asking the following question, Why is it that the enemy have left the New England provinces, and made these middle ones the seat of war? The answer is easy: New England is not infested with Tories, and we are. I have been tender in raising the cry against these men, and used numberless arguments to show them their danger, but it will not do to sacrifice a world either to their folly or their baseness. The period is now arrived, in which either they or we must change our sentiments, or one or both must fall. And what is a Tory? Good God! what is he? I should not be afraid to go with a hundred Whigs against a thousand Tories, were they to attempt to get into arms. Every Tory is a coward; for servile, slavish, self-interested fear is the foundation of Toryism; and a man under such influence, though he may be cruel, never can be brave.

But, before the line of irrecoverable separation be drawn between us, let us reason the matter together: Your conduct is an invitation to the enemy, yet not one in a thousand of you has heart enough to join him. Howe is as much deceived by you as the American cause is injured by you. He expects you will all take up arms, and flock to his standard, with muskets on your shoulders. Your opinions are of no use to him, unless you support him personally, for 'tis soldiers, and not Tories, that he wants.

I once felt all that kind of anger, which a man ought to feel, against the mean principles that are held by the Tories: a noted one, who kept a tavern at Amboy, was standing at his door, with as pretty a child in his hand, about eight or nine years old, as I ever saw, and after speaking his mind as freely as he thought was prudent, finished with this unfatherly expression, "*Well! give me peace in my day.*" Not a man lives on the continent but fully believes that a separation must some time or other finally take place, and a generous parent should have said, "*If there must be trouble, let it be in my day, that my child may have peace;*" and this single reflection, well applied, is sufficient to awaken every man to duty. Not a place upon earth might be so happy as America. Her situation is remote from all the wrangling world, and she has nothing to do but to trade with them. A man can distinguish himself between temper and principle, and I am as confident, as I am that God governs the world, that America will never be happy till she gets clear of foreign dominion. Wars, without ceasing, will break out

till that period arrives, and the continent must in the end be conqueror; for though the flame of liberty may sometimes cease to shine, the coal can never expire.

America did not, nor does not want force; but she wanted a proper application of that force. Wisdom is not the purchase of a day, and it is no wonder that we should err at the first setting off. From an excess of tenderness, we were unwilling to raise an army, and trusted our cause to the temporary defence of a well-meaning militia. A summer's experience has now taught us better; yet with those troops, while they were collected, we were able to set bounds to the progress of the enemy, and, thank God! they are again assembling. I always considered militia as the best troops in the world for a sudden exertion, but they will not do for a long campaign. Howe, it is probable, will make an attempt on this city; should he fail on this side the Delaware, he is ruined. If he succeeds, our cause is not ruined. He stakes all on his side against a part on ours; admitting he succeeds, the consequence will be, that armies from both ends of the continent will march to assist their suffering friends in the middle states; for he cannot go everywhere, it is impossible. I consider Howe as the greatest enemy the Tories have; he is bringing a war into their country, which, had it not been for him and partly for themselves, they had been clear of. Should he now be expelled, I wish with all the devotion of a Christian, that the names of Whig and Tory may never more be mentioned; but should the Tories give him encouragement to come, or assistance if he come, I as sincerely wish that our next year's arms may expel them from the continent, and the Congress appropriate their possessions to the relief of those who have suffered in well-doing. A single successful battle next year will settle the whole. America could carry on a two years' war by the confiscation of the property of disaffected persons, and be made happy by their expulsion. Say not that this is revenge, call it rather the soft resentment of a suffering people, who, having no object in view but the *good* of *all*, have staked their *own* *all* upon a seemingly doubtful event. Yet it is folly to argue against determined hardness; eloquence may strike the ear, and the language of sorrow draw forth the tear of compassion, but nothing can reach the heart that is steeled with prejudice.

Quitting this class of men, I turn with the warm ardor of a friend to those who have nobly

stood, and are yet determined to stand the matter out: I call not upon a few, but upon all: not on *this* state or *that* state, but on *every* state: up and help us; lay your shoulders to the wheel; better have too much force than too little, when so great an object is at stake. Let it be told to the future world, that in the depth of winter, when nothing but hope and virtue could survive, that the city and the country, alarmed at one common danger, came forth to meet and to repulse it. Say not that thousands are gone, turn out your tens of thousands; throw not the burden of the day upon Providence, but "*show your faith by your works*," that God may bless you. It matters not where you live, or what rank of life you hold, the evil or the blessing will reach you all. The far and the near, the home counties and the back, the rich and the poor, will suffer or rejoice alike. The heart that feels not now is dead; the blood of his children will curse his cowardice, who shrinks back at a time when a little might have saved the whole, and made *them* happy. I love the man that can smile in trouble, that can gather strength from distress, and grow brave by reflection. 'Tis the business of little minds to shrink; but he whose heart is firm, and whose conscience approves his conduct, will pursue his principle unto death. My own line of reasoning is to myself as straight and clear as a ray of light. Not all the treasures of the world, so far as I believe, could have induced me to support an offensive war, for I think it murder; but if a thief breaks into my house, burns and destroys my property, and kills or threatens to kill me, or those that are in it, and to "*bind me in all cases whatsoever*" to his absolute will, am I to suffer it? What signifies it to me, whether he who does it is a king or a common man; my countryman or not my countryman; whether it be done by an individual villain, or an army of them? If we reason to the root of things we shall find no difference; neither can any just cause be assigned why we should punish in the one case and pardon in the other. Let them call me rebel and welcome, I feel no concern from it; but I should suffer the misery of devils, were I to make a whore of my soul by swearing allegiance to one whose character is that of a sottish, stupid, stubborn, worthless, brutish man. I conceive likewise a horrid idea in receiving mercy from a being, who at the last day shall be shrieking to the rocks and mountains to cover him, and fleeing with terror from the orphan, the widow, and the slain of America.

There are cases which cannot be overdone

by language, and this is one. There are persons, too, who see not the full extent of the evil which threatens them; they solace themselves with hopes that the enemy, if he succeed, will be merciful. It is the madness of folly, to expect mercy from those who have refused to do justice; and even mercy, where conquest is the object, is only a trick of war; the cunning of the fox is as murderous as the violence of the wolf, and we ought to guard equally against both. Howe's first object is, partly by threats and partly by promises, to terrify or seduce the people to deliver up their arms and receive mercy. *The ministry recommended the same plan to Gage, and this is what the Tories call making their peace, "a peace which passeth all understanding"* indeed. A peace which would be the immediate forerunner of a worse ruin than any we have yet thought of. Ye men of Pennsylvania, do reason upon these things! Were the back counties to give up their arms, they would fall an easy prey to the Indians, who are all armed: this perhaps is what some Tories would not be sorry for. Were the home counties to deliver up their arms, they would be exposed to the resentment of the back counties, who would then have it in their power to chastise their defection at pleasure. And were any one state to give up its arms, *that state must be garrisoned by all Howe's army of Britons and Hessians to preserve it from the anger of the rest.* Mutual fear is the principal link in the chain of mutual love, and woe be to that state that breaks the compact. Howe is mercifully inviting you to barbarous destruction, and men must be either rogues or fools that will not see it. I dwell not upon the vapors of imagination; I bring reason to your ears, and in language as plain as A, B, C, hold up truth to your eyes.

I thank God, that I fear not. I see no real cause for fear. I know our situation well, and can see the way out of it. While our army was collected, Howe dared not risk a battle; and it is no credit to him that he decamped from the White Plains, and waited a mean opportunity to ravage the defenceless Jerseys; but it is great credit to us, that, with a handful of men, we sustained an orderly retreat for near an hundred miles, brought off our ammunition, all our field pieces, the greatest part of our stores, and had four rivers to pass. None can say that our retreat was precipitate, for we were near three weeks in performing it, *that the country might have time to come in.* Twice we marched back to meet the enemy, and remained out till dark. The sign of fear was not seen in our camp, and had not some of the cowardly and disaffected inhabitants spread false alarms through the country, the Jerseys had never been ravaged. Once more we are again collected and collecting; our new army at both ends of the continent is recruiting fast, and we shall be able to open the next campaign with sixty thousand men, well armed and clothed. *This is our situation, and who will may know it.* By perseverance and fortitude we have the prospect of a glorious issue; by cowardice and submission, the sad choice of a variety of evils — a ravaged country — a depopulated city — habitations without safety, and slavery without hope — our homes turned into barracks and bawdy-houses for Hessians, and a future race to provide for, whose fathers we shall doubt of. Look on this picture and weep over it! and it there yet remains one thoughtless wretch who believes it not, let him suffer it unlamented.

COMMON SENSE

December 23, 1776.

V

The Franco-American Alliance, February 6, 1778

THE CHANCE OF FOREIGN AID provided the colonists at least one hope for success. The war for American independence had especially excited the interest of France. As a traditional enemy of England, France was intrigued by the prospect of seeing British power and prestige weakened. Even as early as 1776, secret aid went to America from France, and also from Spain and Holland. Until the outcome of the revolution was reasonably

certain to achieve success, France hesitated to ally herself openly with the United States. Following the victory at Saratoga, however, France entered into a treaty of alliance with the revolting colonies on February 6, 1778. Following are the terms of the treaty:⁶

THE MOST CHRISTIAN KING and the United States of North America . . . have, after the most deliberation, concluded and determined on the following articles:

ARTICLE I. If war should break out between France and Great Britain during the continuance of the present war between the United States and England, His Majesty and the said United States shall make it a common cause and aid each other mutually with their good offices, their counsels and their forces, according to the exigence of conjunctures, as becomes good and faithful allies.

ARTICLE II. The essential and direct end of the present defensive alliance is to maintain effectually the liberty, sovereignty, and independence [*sic*] absolute and unlimited, of the said United States, as well in matters of government as of commerce.

ARTICLE III. The two contracting parties shall each on its own part, and in the manner it may judge most proper, make all the efforts in its power against their common enemy, in order to attain the end proposed.

ARTICLE IV. The contracting parties agree that in case either of them should form any particular enterprise in which the concurrence of the other may be desired, the party whose concurrence is desired, shall readily, and with good faith, join in concert for that purpose, as far as circumstances and its own particular situation will permit; and in that case, they shall regulate, by a particular convention, the quantity and kind of succour to be furnished, and the time and manner of its being brought into action, as well as the advantages which are to be its compensation.

ARTICLE V. If the United States should think fit to attempt the reduction of the British power, remaining in the northern parts of America, or the islands of Bermudas, those countries or islands, in case of success, shall be confederated with or dependant [*sic*] upon the said United States.

ARTICLE VI. The Most Christian King renounces forever the possession of the islands of Bermudas, as well as of any part of the con-

tinient of North America, which before the treaty of Paris in 1763, or in virtue of that treaty, were acknowledged to belong to the Crown of Great Britain, or to the United States, heretofore called British Colonies, or which are at this time, or have lately been under the power of the King and Crown of Great Britain.

ARTICLE VII. If His Most Christian Majesty shall think proper to attack any of the islands situated in the Gulph of Mexico, or near that Gulph, which are at present under the power of Great Britain, all the said isles, in case of success, shall appertain to the Crown of France.

ARTICLE VIII. Neither of the two parties shall conclude either truce or peace with Great Britain without the formal consent of the other first obtained; and they mutually engage not to lay down their arms until the independence of the United States shall have been formally or tacitly assured by the treaty or treaties that shall terminate the war.

ARTICLE IX. The contracting parties declare, that being resolved to fulfil each on its own part the clauses and conditions of the present treaty of alliance, according to its own power and circumstances, there shall be no after claim of compensation on one side or the other, whatever may be the event of the war.

ARTICLE X. The Most Christian King and the United States agree to invite or admit other powers who may have received injuries from England, to make common cause with them, and to accede to the present alliance, under such conditions as shall be freely agreed to and settled between all the parties.

ARTICLE XI. The two parties guarantee mutually from the present time and forever against all other powers, to wit: The United States to His Most Christian Majesty, the present possessions of the Crown of France in America, as well as those which it may acquire by the future treaty of peace: And His Most Christian Majesty guarantees on his part to the United States their liberty, sovereignty and independence, absolute and unlimited, as well in matters of government as commerce, and also their possessions, and the additions or conquests that their confederation may obtain during the war, from any of the dominions now, or heretofore possessed by Great Britain in North America, conformable to the

⁶William M. Malloy, comp. and ed., *Treaties, Conventions, International Acts, Protocols, and Agreements Between the United States of America and Other Powers, 1776-1909* (Washington, 1910). I, pp. 479-482.

5th and 6th articles above written, the whole as their possessions shall be fixed and assured to the said States, at the moment of the cessation of their present war with England.

ARTICLE XII. In order to fix more precisely the sense and application of the preceding article, the contracting parties declare, that in case of a rupture between France and England the reciprocal guarantee declared in the said article shall have its full force and effect the moment such war shall break out; and if such

rupture shall not take place, the mutual obligations of the said guarantee shall not commence until the moment of the cessation of the present war between the United States and England shall have ascertained their possessions.

ARTICLE XIII. The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of six months, or sooner if possible. . . .

Done at Paris, this sixth day of February, one thousand seven hundred and seventy-eight.

VI

The Treaty of Paris, September 3, 1783

GROWING FOREIGN AID HELPED BALANCE the weight of power between the British and Americans. Gradually the tide of battle swung in favor of the Americans and their allies. On October 19, 1781, Lord Cornwallis was forced to surrender at Yorktown. Four months before Yorktown the Confederation Congress appointed five commissioners to carry on the negotiations for peace with Great Britain, but of the five men listed here with only the first three served. The American negotiators were John Adams, John Jay, Benjamin Franklin, Thomas Jefferson, and Henry Laurens. The terms of the treaty they secured are given below.⁷

IN THE NAME OF THE MOST HOLY AND UNDIVIDED TRINITY . . .

ARTICLE I. His Britannic Majesty acknowledges the said United States, viz. New Hampshire, Massachusetts Bay, Rhode Island, and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign and independent States; that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the Government, proprietary and territorial rights of the same, and every part thereof.

ARTICLE II. And that all disputes which might arise in future, on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are, and shall be their boundaries, viz: From the northwest angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of Saint Croix River to the Highlands; along the said Highlands which divide

those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River; thence down along the middle of that river, to the forty-fifth degree of north latitude; from thence, by a line due west on said latitude, until it strikes the river Iroquois or Cataraquy; thence along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water communication between that lake and Lake Huron; thence along the middle of said water communication into Lake Huron; thence through the middle of said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward of the Isles Royal and Phelipeaux, to the Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said

⁷William M. Malloy, comp and ed., *Treaties, Conventions, etc.* (Washington, 1910), I, pp. 586-590.

lake to the most northwestern point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude. South, by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the Equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint River; thence strait (*sic*) to the head of St. Mary's River; and thence down the middle of St. Mary's River to the Atlantic Ocean. East, by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Funday to its source, and from its source directly north to the aforesaid Highlands, which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St. Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean; excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia.

ARTICLE III. It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the Gulph of Saint Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish. And also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island) and also on the coasts, bays and creeks of all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlements, without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground.

ARTICLE IV. It is agreed that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money, of all *bona fide* debts heretofore contracted.

ARTICLE V. It is agreed that the Congress shall earnestly recommend it to the legislatures of the respective States, to provide for the restitution of all estates, rights and properties which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession of His Majesty's arms, and who have not borne arms against the said United States. And that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmolested in their endeavours to obtain the restitution of such of their estates, rights and properties as may have been confiscated; and that Congress shall also earnestly recommend to the several States a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail. And that Congress shall also earnestly recommend to the several States, that the estates, rights and properties of such last mentioned persons, shall be restored to them, they refunding to any persons who may be now in possession, the *bona fide* price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties, since the confiscation. And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

ARTICLE VI. That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons for, or by reason of the part which he or they may have taken in the present war; and that no person shall, on that account, suffer any future loss or damage, either in his person, liberty or property; and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

ARTICLE VII. There shall be a firm and perpetual peace between His Britannic Majesty and

the said States, and between the subjects of the one and the citizens of the other, wherefore all hostilities, both by sea and land, shall from henceforth cease: All prisoners on both sides shall be set at liberty, and His Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said United States, and from every post, place and harbour within the same; leaving in all fortifications the American artillery that may be therein: And shall also order and cause all archives, records, deeds and papers, belonging to any of the said States, or their citizens, which, in the course of the war, may have fallen into the hands of his officers, to be forthwith restored and deliver'd to the proper States and persons to whom they belong.

ARTICLE VIII. The navigation of the river Mississippi, from its source to the ocean, shall

forever remain free and open to the subjects of Great Britain, and the citizens of the United States.

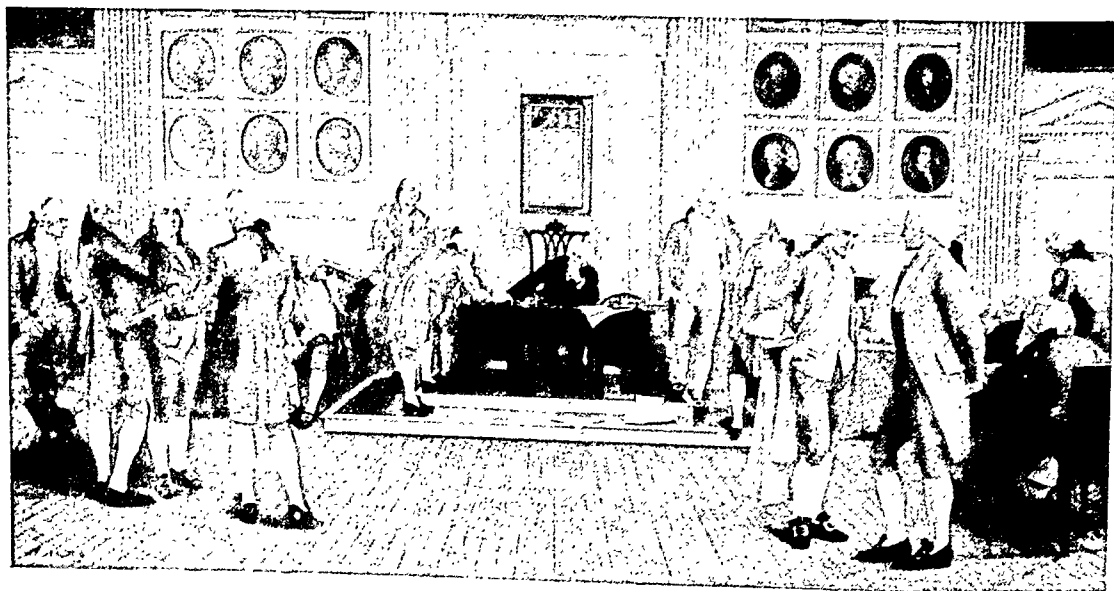
ARTICLE IX. In case it should so happen that any place or territory belonging to Great Britain or to the United States, should have been conquer'd by the arms of either from the other, before the arrival of the said provisional articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation.

ARTICLE X. The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties, in the space of six months, or sooner if possible, to be computed from the signature of the present treaty. . . .

Done at Paris, this third day of September, in the year of our Lord one thousand seven hundred and eighty-three.

Chapter Five

The Evolution of Federalism



The Signing of the Constitution

THE PRINCIPLE OF FEDERALISM — that is, the distribution of governmental powers between the states and the general government — was incorporated in the Articles of Confederation in 1781. The Articles established a relatively weak government. Each state was equally represented in the national congress, and the authority of the general government extended only over the states and not over individuals.

The weaknesses of the new government were quite evident by the time the Treaty of Paris was signed in 1783. Between that time and the inauguration of George Washington on April 30, 1789, there was an increasing demand for a stronger government, one which could act more effectively both at home and abroad. The government needed power to levy taxes and to regulate foreign and interstate commerce. Effective executive leadership and a national court system seemed desirable.

In providing for the sale of public land and for government in the territories, the Confederation was singularly successful in the Northwest. On some other problems the Confederation met with failure. Lack of control over commerce

was a serious weakness, and out of this problem grew the background conferences which led to the constitutional convention. The navigation of the Potomac, at first a matter of interest only to Virginia and Maryland, came to have a wider interest when commercial connections with the new West were considered. This aroused interest in regulating commerce among all of the states.

A convention was called at Annapolis, September 11, 1786, to consider uniform commercial laws. Because only five states were represented at the meeting, the commissioners present adjourned after recommending that all of the states be invited to send delegates to a convention in Philadelphia in May, 1787, to study the great question of rendering the Articles of Confederation "adequate to the exigencies of the Union."

Meanwhile, Shays' Rebellion in Massachusetts had emphasized the need for strengthening the general government. The aim of providing a stronger government was achieved with the writing and the adoption of the Federal Constitution. The Constitution corrected many of the weaknesses of the Articles and erected a framework for a successful federal government.

I

The Articles of Confederation

THE ARTICLES OF CONFEDERATION were drawn up by a committee of the Second Continental Congress of which John Dickinson was chairman. This framework for a new central government was submitted to the states on November 17, 1777, during one of the darkest periods of the Revolution. The absence of a provision giving the general government control over the western lands caused Maryland to withhold ratification until March 1, 1781, by which time New York and Virginia had surrendered their claims to western lands. Homer C. Hockett has described the structure of the Articles and pointed out the weaknesses of the new government in his book, *The Constitutional History of the United States, 1776-1826*.¹

ANALYSIS OF THE ARTICLES

A COMPARISON of the frame of government provided by the Articles with those which the states had adopted shows striking differences. Not only was there no second branch of the legislature, but the separation of executive and judicial functions from that of legislation was lacking. The powers which the Articles granted were vested in Congress, to be exercised by it or its agents. It was authorized to appoint such committees and "civil officers" as its executive business might require, and these were to perform their duties under its direction. There was the germ, but only the germ, of a judicial system in the power to provide courts "for the trial of piracies and felonies on the high seas," for "determining finally appeals in all cases of captures," and for the settlement of disputes between the states.

This concentration of functions in one unicameral body places the Articles in a different category from the constitutions of the states. Moreover, the latter rested on the authority of the people in each state, and created governments acting upon and responsible to them. The Articles rested upon the authority of the state governments (legislatures). Congress was responsible to them and not to the people, and did not ordinarily act upon the people. The union, as the Articles themselves declared, was

a league of friendship entered into by sovereign states.

Each state legislature chose and paid its delegates in Congress, or neglected to do so as it preferred. In spite of spirited opposition, the provision had survived that the delegation of each state was to cast one vote (provided at least two delegates out of a possible seven were present). An equally divided delegation meant that the vote of the state was lost. No important measure could be adopted without the concurrence of two-thirds of the delegations, that is, the vote of nine states. Amendments to the Articles, after passing Congress, required the approval of the legislature of every state.

The member states were pledged to observe certain rules of comity in their relations with one another, and to refrain from certain actions which were inconsistent with the objects of the league. Thus the free inhabitants of each state were "entitled to all privileges and immunities of free citizens in the several States," and were to enjoy freedom to come and go and carry on business in every state, while fugitives from justice were to be given up on demand of the governor of the state from which they fled. The public records of each state were to be given full faith and credit by the others.

As has been said, both Franklin and Dickinson had tried to make a list of the matters of common interest to the members of the league, and by the time Congress sent the Articles to the states in 1777 the list had grown to a very respectable length. First and foremost, naturally,

¹ The selection from Homer Carey Hockett, *The Constitutional History of the United States, 1776-1826*. Copyright, 1939, by The Macmillan Company and used with The Macmillan Company's permission. Pp. 146-149

among the powers of Congress, was that of "determining on peace and war." Next was the responsibility for foreign relations in general — sending and receiving ambassadors and making treaties. Then to promote uniformity for the benefit of trade, Congress was given the exclusive power to fix the standards of coinage and of weights and measures. Relations with Indians "not members of any of the states" were committed to its care, likewise the postal service. The responsibility for paying the debt incurred in the War of Independence was laid upon it. Other powers were incidental to these main ones.

Some of these powers had been included in the Albany Plan, more of them in Franklin's plan of 1775. Every one of them had been wielded in colonial days by the imperial government rather than by the individual colonies. Taught by their experience while under the rule of Britain, Dickinson and his fellow members of Congress were able to make on paper a distribution of powers between Congress and the states which approached the demands of the theory of the distinction between internal and general police, reserving to each state that control over its domestic affairs which had so long been claimed as an inalienable right. Now that independence had come, that precious local autonomy was established, but Americans were turning to the task of creating for themselves a substitute for the British government in the performance of indispensable functions of general police, and the powers they were giving to Congress closely resembled those which the British government had exercised in the old days.

The struggle with the mother country had nevertheless made Americans tenacious of certain views which should have been modified in their new situation. The long struggle against parliamentary taxation had grounded them in the belief that they should be taxed only by their

respective assemblies. Few if any perceived as yet that taxation did not belong exclusively in the list either of internal or general police powers, but was instead a concurrent power, needed by both local and central governments as an essential means of carrying on their respective functions. The old objection to taxation by a body in which they were not represented was no longer pertinent, since the Congress was to be composed of delegates from the states. Habits of thought were so fixed, however, that men were disinclined as yet to give to Congress a power which had been so vehemently denied to Parliament. Consequently, instead of investing the former body with the power of taxation, the Articles only allowed it to estimate its monetary needs and then to make a "requisition" upon each state for its share of the total. The laying of taxes to raise this and all other revenues was reserved to the states respectively.

A similar error was made in regard to the regulation of commerce. This power had been one of the functions of Parliament which most colonists had for a long time admitted as a necessity, however much they disliked the working of the navigation acts. As a result of their experience with the parliamentary system the Articles gave Congress only a partial and inadequate control over commerce. It was allowed to make commercial treaties, but the right to retaliate against any foreign country which discriminated against American trade or shipping was reserved to the states, and control over interstate commerce was not so much as mentioned.

Having been sent to the states before the settlement of the land question, the Articles contained no provision for disposition of the lands by Congress, or the acquisition or government of new territories. Much worse was the dependence of Congress upon the state governments for the execution of most of its measures.

II

Washington's Retirement and His "Legacy" to the American People

FROM THE VERY BEGINNING, the Articles of Confederation government was confronted with some grave problems. Among the most important of these was making a peace treaty with England which was concluded on September 3, 1783. Two months later the American forces were formally disbanded. On December 23, General Washington resigned his command. He did not retire, however, without expressing his views regarding what he believed to be essential for the growth and welfare of the American people. He wanted this statement to be his "legacy" to the American people. Washington seemed to foresee the need for a stronger central government to meet the difficult problems of his time. His views have been retold by John Fiske in *The Critical Period of American History, 1783-1789*.²

ON THE 4TH OF DECEMBER a barge waited at the South Ferry in New York to carry General Washington across the river to Paulus Hook. He was going to Annapolis, where Congress was in session, in order to resign his command. At Fraunce's Tavern, near the ferry, he took leave of the officers who so long had shared his labours. One after another they embraced their beloved commander, while there were few dry eyes in the company. They followed him to the ferry, and watched the departing boat with hearts too full for words, and then in solemn silence returned up the street. At Philadelphia he handed to the comptroller of the treasury a neatly written manuscript, containing an accurate statement of his expenses in the public service since the day when he took command of the army. The sums which Washington had thus spent out of his private fortune amounted to \$64,315. For his personal services he declined to take any pay. At noon of the 23d, in the presence of Congress and of a throng of ladies and gentlemen at Annapolis, the great general gave up his command, and requested as an "indulgence" to be allowed to retire into private life. General Mifflin, who during the winter of Valley Forge had conspired with Gates to undermine the confidence of the people in Washington, was now president of Congress, and it was for him to

make the reply. "You retire," said Mifflin, "from the theatre of action with the blessings of your fellow-citizens, but the glory of your virtues will not terminate with your military command; it will continue to animate remotest ages." The next morning Washington hurried away to spend Christmas at his pleasant home at Mount Vernon, which, save for a few hours in the autumn of 1781, he had not set eyes on for more than eight years. His estate had suffered from his long absence, and his highest ambition was to devote himself to its simple interests. To his friends he offered unpretentious hospitality. "My manner of living is plain," he said, "and I do not mean to be put out of it. A glass of wine and a bit of mutton are always ready, and such as will be content to partake of them are always welcome. Those who expect more will be disappointed." To Lafayette he wrote that he was now about to solace himself with those tranquil enjoyments of which the anxious soldier and the weary statesman know but little. "I have not only retired from all public employments, but I am retiring within myself, and shall be able to view the solitary walk and tread the paths of private life with heartfelt satisfaction. Envious of none, I am determined to be pleased with all; and this, my dear friend, being the order of my march, I will move gently down the stream of life until I sleep with my fathers."

In these hopes Washington was to be disappointed. "All the world is touched by his re-

² John Fiske, *The Critical Period of American History, 1783-1789* (Boston: Houghton Mifflin Co., 1888), pp. 51-54.

publican virtues," wrote Luzerne to Vergennes, "but it will be useless for him to try to hide himself and live the life of a private man: he will always be the first citizen of the United States." It indeed required no prophet to foretell that the American people could not long dispense with the services of this greatest of citizens. Washington had already put himself most explicitly on record as the leader of the men who were urging the people of the United States toward the formation of a more perfect union. The great lesson of the war had not been lost on him. Bitter experience of the evils attendant upon the weak government of the Continental Congress had impressed upon his mind the urgent necessity of an immediate and thorough reform. On the 8th of June, in view of the approaching disbandment of the army, he had addressed to the governors and presidents of the several states a circular letter, which he wished

to have regarded as his legacy to the American people. In this letter he insisted upon four things as essential to the very existence of the United States as an independent power. First, there must be an indissoluble union of all the states under a single federal government, which must possess the power of enforcing its decrees; for without such authority it would be a government only in name. Secondly, the debts incurred by Congress for the purpose of carrying on the war and securing independence must be paid to the uttermost farthing. Thirdly, the militia system must be organized throughout the thirteen states on uniform principles. Fourthly, the people must be willing to sacrifice, if need be, some of their local interests to the common weal; they must discard their local prejudices, and regard one another as fellow-citizens of a common country, with interests in the deepest and truest sense identical.

III

The Public Domain as a Bond of Union

MARYLAND RENDERED THE YOUNG NATION a great service by refusing to ratify the Articles of Confederation until the states agreed to cede their western lands to the national government. Federal ownership and administration of the western lands created another bond of union. The Ordinances of 1784, 1785, and 1787, passed by the Confederation Congress, were demonstrations of national sovereignty. The Ordinance of 1787, which provided for government in the Northwest Territory and called for permitting new states to enter the Union on an equal basis, was important in the development of federalism. Merrill Jensen has discussed the terms and significance of these Ordinances in his book, *The New Nation: A History of the United States During the Confederation, 1781-1789*.³

THE FACT OF EXPANSION into new land loomed even larger in American thought and economy in the 1780's than it had in the colonial period. The dispute over the control of the West contributed to the tensions leading to the war for independence, but independence did not end the dispute, for Americans fought with one another as to whether the central government or the individual states should control the lands

claimed by them on the basis of their ancient charters. The reason for the conflict was primer-simple although its ramifications were endless and clouded by constitutional and legal theories that have led later generations to lose sight of the realities upon which eighteenth century men kept a steady eye.

In the conflict over westward expansion before the Revolution, various colonial land speculators had laid out overlapping claims to the region beyond the Alleghenies. As we have seen, the conflict held up the ratification of the Articles of Confederation until March of 1781. At that

³ Reprinted from *The New Nation: A History of the United States During the Confederation, 1781-1789*, by Merrill Jensen, by permission of Alfred A. Knopf, Inc. Copyright, 1950, by Alfred A. Knopf, Inc. Pp. 350-359.

time Congress had before it several cessions, including the most important one of all, that of Virginia. But Congress did not accept the Virginia cession until 1784. The reason for it was obvious: *Virginia, in ceding the Old Northwest, insisted that before the cession became final Congress must declare void all land company purchases in the region, something that Virginia had done several years before. Furthermore, Congress must guarantee Virginia's remaining territory to her: that is, Kentucky. These requirements were aimed directly at the land speculators of Pennsylvania and Maryland who claimed land both north and south of the Ohio and who evolved constitutional theories to prove that Congress had sovereign power and could therefore take the lands from Virginia.*

For three years after 1780, the land speculators and their friends fought to evade the conditions attached to the Virginia cession. Stockholders of the Illinois-Wabash and the Indiana companies, such as Robert Morris, Samuel Wharton, James Wilson, and Charles Carroll of Carrollton, were from time to time members of Congress, and still others like Benjamin Franklin were not without influence. In Congress they and their supporters fought hard. They continued to argue that Congress had sovereignty over the region and therefore could ignore the Virginia cession. But at the same time they tried to force an unrestricted cession from Virginia. Neither idea was followed consistently, and sometimes both were urged at once if expediency seemed to dictate.

Some Virginians at first thought that Congress would accept the cession because the "covert maneuvers" of the land companies were so obvious that their abettors would not be "hardy enough" to continue to support them. But other Virginians knew better: "The modes and methods which these artists pursue," said Richard Henry Lee, were well known, and they would stop at nothing to gain their ends. Lee was right, for a few weeks after the cession of 1780 James Wilson, George Morgan, Benjamin Franklin, and others petitioned Congress to exercise its "sovereignty," and thus by implication, to ignore the Virginia conditions and confirm the claims of the Pennsylvania-Maryland speculators.

For a time congressional committees favored the claims of the speculators. They declared that Virginia extended only to the Alleghenies and that most of the land company claims were valid. The Virginians fought such arguments to a standstill. Whenever a report on land cessions came before Congress, the Virginia delegates

asked each member to declare just what were his connections with the land companies involved. By the spring of 1783 such tactics, and the fact that the land companies could never get seven states to vote for them, resulted in the consignment of favorable reports to oblivion.

The Virginia delegates told their legislature to do with the West as it pleased, but at the same time they continued to urge Congress to accept the cession. The land companies likewise continued to petition. James Wilson, who was president of the Illinois-Wabash Company, was also a member of Congress and was most eloquent in debate and productive of theories to do away with Virginia's claim.

With the ending of the war in the spring of 1783, the land companies began to lose ground. The need for an independent income was real. It was obvious also that Virginia was selling lands beyond the Alleghenies, and that if Congress did not accept her cession, it would lose one of the surest sources of wealth for the central government.

The result was a new committee report in June of 1783. One by one it took up the conditions attached to the Virginia cession, and while it managed to avoid a definite commitment on any one of them, the effect was a tacit acceptance of the Virginia point of view. The landless states and their speculators failed to block adoption of the report because Congress was facing new realities. One of them was the financial problem of the central government. Another was the old promise that Congress would give land to soldiers if they enlisted for the duration of the war. Army officers were also interested in western lands, and once Washington surrendered his command, he spent time with Congress lobbying for the officers who hoped for land grants northwest of the Ohio. He pointed to an increasingly obvious truth: that while Congress and Virginia debated, people whom he called "banditti" were settling the land. Such people were depriving officers of their "just claims" and above all, were bringing about the danger of Indian war.

The result of such realities and pressures was that Congress asked Virginia to make a new cession of her claims. For a time it seemed that the Virginia legislature would withdraw the cession entirely. Then, late in December 1783, it ceded the Old Northwest, this time without specific restrictions, but with enough generalities to make it plain that such restrictions were implicit in the act.

On 1 March 1784 Congress accepted this cession and the national domain was at last a reality. Congress at once went to work drafting ordinances for the government, the survey, and the sale of the public domain. Military control of lawless inhabitants was provided for. A policy for making treaties with the Indians was established.

The man chiefly responsible for the foundation of the first "colonial policy" of the United States was Thomas Jefferson. He had long been interested in the region west of the Alleghenies, not as a speculator, but as a statesman, a scientist, and a believer in agrarian democracy. Where others wanted to hand the West over to speculators, he wanted it to belong to actual settlers. Where others distrusted westerners as banditti and wanted them ruled by military force, he wanted them to govern themselves. Thus when he brought the Virginia cession to Congress, he had definite ideas about what should be done. He was made chairman of a committee to draft an ordinance for the government of the new public domain. He believed that the land should be given to the settlers, for they would have to pay their share of the national debt anyway. Why should they pay double? If settlers had to pay for the lands, they would dislike the union. Furthermore, they would settle the lands no matter what Congress did. One settler in the West would be worth twenty times what he paid for the land, and he would be worth that every year he lived on his farm.

Jefferson proposed that the domain be divided into ten districts which ultimately would become states. He gave those districts names which were made fun of then and have been ever since, although it must be said that the names he chose are no less musical than some of those given to the states of the Old Northwest in the end. There was to be self-government by the people, not arbitrary government by congressional appointees. Whenever Congress offered a piece of territory for sale, the settlers within it were to establish a temporary government and to adopt the constitution and laws of whatever state they chose. Whenever the territory had 20,000 people, they were to hold a convention, adopt a constitution, and send a delegate to Congress. When the population of the territory equalled that of the free inhabitants of the smallest of the thirteen states, the new state was to be admitted to the union as an equal partner. The new state must agree to remain a part of the United States; be subject to the central government exactly as

the other states were; be liable for its share of the federal debt; maintain a republican form of government; and exclude slavery after 1800. Thus Jefferson planned a government for the national domain. When the Ordinance of 1784 was finally adopted by Congress, only a few changes were made. The reference to slavery was dropped and one new restriction was added; the future states might not tax federal lands nor interfere with their disposal.

It is too often said, and believed, that the Northwest Ordinance of 1787, which repealed the Ordinance of 1784, provided for democracy in the territories of the United States. The reverse is actually true. Jefferson's Ordinance provided for democratic self-government of western territories, and for that reason it was abolished in 1787 by the land speculators and their supporters who wanted congressional control of the West so that their interests could be protected from the actions of the inhabitants.

Meanwhile, with the Ordinance of 1784 adopted, the next step was to provide for the survey and sale of the lands. Jefferson was on the committee appointed to draft such a plan and here too he had ideas, although his belief that the West should be given to the actual settlers was soon lost sight of in the need of Congress for revenue and in the rise of new speculative groups.

Jefferson left for France to replace Franklin as minister before the Ordinance was completed. In its final form the Ordinance of 1785 provided that the West should be divided into townships, each containing thirty-six square miles. Four sections in each township were to be reserved for the United States, and also one third of the gold, silver, and copper. In each township lot sixteen was set aside for public schools. Once surveyed, the lands were to be sold at public auction by the loan office commissioners in each of the states. The land could not be sold for less than a dollar an acre and payment was to be in specie, loan office certificates reduced to specie value, or certificates of the liquidated debt of the United States. Lands were reserved to provide the bounties promised the army during the war. This Ordinance was adopted by Congress 20 May 1785. At once surveys were gotten under way by Thomas Hutchins, geographer of the United States. It was a long, slow process. By 1787 Hutchins and his men had surveyed four ranges of townships, starting at the western boundary of Pennsylvania.

But the Land Ordinance of 1785 was soon for-

gotten. New speculative interests swept down upon Congress and grabbed for enormous chunks of the public domain. The drive was spearheaded by New Englanders and by others who had few if any ties with the pre-revolutionary land companies. No group was more interested in the West than ex-army officers who saw in western lands an outlet for the desires and energies that had been so frustrated at the end of the war. Thus Rufus Putnam wrote Henry Knox in the fall of 1783 that rapid settlement was so certain that it was to the interest of officers and soldiers not only to locate lands but to become settlers "as well as adventurers by purchases [of] public securities." Samuel Holden Parsons wrote from the West in 1785 that if he ever returned East he knew he could convince his friends "that public securities, if Congress a little alter their system, is their best estate." Only give him some government post in the West and "I will make the fortune of your family and my own till time shall be no more."

What these men hoped for was a military colony in the Old Northwest such as they had proposed to Congress from Newburgh in the spring of 1783. But Congress soon made it plain that it was going to sell land, so the officers changed their plans. Early in 1786 Rufus Putnam and Benjamin Tupper issued a call to the Massachusetts officers and soldiers who had served in the Revolution. They proposed county meetings to choose delegates to a meeting at Boston to organize an association to be called the Ohio Company. The company was organized and shares of stock were sold. The leading men, in addition to Putnam and Tupper, were Samuel Holden Parsons, Winthrop Sargent, and the Reverend Manasseh Cutler, an ex-army chaplain.

The Ohio Company asked for a virtual suspension of the Land Ordinance of 1785. Four ranges had been surveyed but had not been put up for sale when the Ohio Company appeared before Congress offering a million dollars for lands beyond the survey. The ultimate success of the Ohio Company was due in part to the fact that once more the balance of power in Congress was shifting, a shift no better expressed than in the election of General Arthur St. Clair as president. But the success of the Company was also due to the remarkably skillful lobbying of the Reverend Manasseh Cutler. Samuel Holden Parsons had made no headway, but when Cutler appeared, things began to move. He found, for instance, that William Duer, secretary

to the board of treasury, associated with some New York speculators, was trying to get a million acres on the Scioto River without paying for them. Cutler and Duer joined forces. Cutler dropped the Ohio Company's idea of making Parsons governor and advocated General Arthur St. Clair, president of Congress.

The shift in tactics smoothed the way for the Ohio Company. Congress agreed that it might take up "a tract of land which shall be bounded by the Ohio from the mouth of Scioto to the intersection of the seventh range of townships now surveying; thence by the said boundary to the northern boundary of the tenth township from the Ohio; thence by a due west line to the Scioto; thence by the Scioto to the beginning. . . ." The price was to be not less than a dollar an acre payable in loan office certificates reduced to specie value and in other certificates of the liquidated debt of the United States. Up to one seventh of the total purchase price could be paid in the land bounty certificates issued to the officers and soldiers of the Continental Army. The price, however, was reduced by a third, for that much allowance was made for bad land and for incidental expenses. The purchase was an enormous bargain, for national debt certificates were selling for as little as ten cents on the dollar in the open market. In the final sale Congress held back some of the land. Section sixteen in each township was reserved for education. Section twenty-nine was set aside for "the purposes of religion." Sections eight, eleven, and twenty-six in each township were reserved by Congress for future sale. Not more than two townships were to be set aside for "purposes of a university."

While the Ohio Company was making plans to exploit the West, the West itself was boiling with activity. Before surveys could be made, Congress must get the Indians to give up their claims. The result was a series of treaties. One treaty was signed at Fort McIntosh in 1785, but the Shawnee, the most important tribe, refused to come. A second treaty was negotiated at Fort Finney in 1786. The Shawnee attended and gave up some of their claims. There was no alternative to treaty-making except to kill the Indians, an alternative which the westerners tried their best to carry out.

Meanwhile, without regard for Congress or the Indians, settlers were moving beyond the Ohio and squatting on likely looking pieces of land. In 1785 Congress ordered the settlers to stay south of the Ohio. Troops were raised and

sent to the frontier. They burned squatters' cabins but they could not kill the dogged hunger of men for land. When the troops moved on, the settlers came back and rebuilt their homes. John Armstrong, an officer given the task of removing the settlers, declared that they were "banditti whose actions are a disgrace to human nature." The settlers were defiant. One of their number issued an "advertisement" in which he said: "I do certify that all mankind, agreeable to every constitution formed in America, have an undoubted right to pass into every vacant country, and to form their constitution, and that from the Confederation of the whole United States, Congress is not empowered to forbid them, neither is Congress empowered from that Confederation to make any sale of the uninhabited lands to pay the public debts, which is to be by a tax levied and lifted by the authority of the legislature of each state." Such men fought both the soldiers and the Indians. South of Ohio the Kentuckians demanded help from both Congress and Virginia and carried on a bloody struggle all the while. Between 1783 and 1790 perhaps 1,500 Kentuckians were killed and 2,000 horses were stolen. No one knows how many Indians and squatters north of the river lost their lives.

Frontier warfare and the settlement of the land by more and more squatters convinced many a member of Congress that the westerners should be denied the right of self-government. "The emigrants to the frontier lands," wrote Timothy Pickering, "are the least worthy subjects in the United States. They are little less savage than the Indians; and when possessed of the most fertile spots, for want of industry, live miserably." Pickering's attitude was shared by many important leaders who had long feared the growth of the West and who distrusted all westerners. Very few easterners took much stock in Jefferson's ideal of self-government for the West as expressed in the Ordinance of 1784. By 1786 Congress was once more discussing the problem of government for the West. James Monroe, who had made a tour of the West with troops in 1785, declared that the question with regard to government was: "Shall it be upon colonial principles, under a governor, council and judges of the United States, removable at a certain period of time and they admitted to a vote in Congress with the common rights of the other states, or shall they be left to themselves until that event?"

The reconsideration of the Ordinance of 1784, which arose from the fear of westerners and the

danger of Indian war, was given new urgency by the Ohio Company. These men wanted a guarantee of property rights and rigid political control. The result was the Northwest Ordinance of 1787. Richard Henry Lee put the whole case neatly when he said that the new Ordinance seemed necessary "for the security of property among uninformed, and perhaps licentious people, as the greater part of those who go there are, that a strong toned government should exist, and the rights of property be clearly defined." In another letter he said that "the form of this government . . . is much more tonic than our democratic forms on the Atlantic are."

Under the Ordinance of 1787, government was to be carried on by a governor, a secretary, and three judges appointed by Congress. These men were to adopt whatever laws they chose from those of the thirteen states. Whenever a district had 5,000 male inhabitants, the landowners could choose an assembly. The first task of this assembly was to nominate ten men from whom Congress would pick five to act as a legislative council. The assembly could pass laws, but the governor was to have an absolute veto on all legislation. The Northwest was to be divided into not more than five nor less than three districts. Whenever any one of those divisions had 60,000 free inhabitants it was to be admitted to Congress and then be free to write a constitution and establish a state government. The government of the West by Arthur St. Clair in the years after 1787 was an ample demonstration of both the westerners' dislike of eastern control, and of the clear purpose of eastern speculators to get and keep a position of pre-eminence.

So far as the government of the United States was concerned, the sale of land began to pave the way for the payment of the national debt. It was a matter of newspaper comment that such sales "must give an immediate rise to the current value of the securities of the United States, which are received in payment for the lands as specie." Congress was at last in a position to carry out the conviction of many Americans that the sale of the lands was all that was needed to solve the financial burden left by the Revolution. The conflict in policy had been decided in favor of sales rather than of settlers, although even so, the land was cheap by comparison with what lands farther east were selling for. Before 1789 the sales made by the United States amounted to 1,487,986 acres for which Congress got \$839,203 in securities. In addition bounty warrants for another 238,150 acres of land were taken in.

In the years to come the Land Ordinance of 1785 and the Ordinance of 1787 remained the basis for the sale and government of the national domain. By the 1830's the United States had sold more than forty-four million dollars worth

of land and thus justified those men in the 1780's who had believed that the national domain alone would pay the foreign and domestic debt of the United States.

IV

Shays' Rebellion

SHAYS' REBELLION OCCURRED IN MASSACHUSETTS in 1786 and reflected discontent among the agricultural population of that State. It was a conflict between debtors and creditors. An increased supply of paper money, debtor relief legislation, tax reform, and even the abolition of the courts of common pleas were among the demands of irate farmers in Massachusetts and neighboring states. After seizure of the Northampton courthouse on August 29, 1786, and similar outbreaks elsewhere, troops were called out to suppress the rioters. Shays' Rebellion was important because it confirmed what many Americans already thought, and convinced many more, that a stronger central government was needed. Evarts B. Greene has described the revolt in his book, *The Revolutionary Generation, 1763-1790*.⁴

IN OTHER RESPECTS, TOO, the situation was unsatisfactory. The new Massachusetts constitution by favoring the mercantile interest through an undue representation of the maritime counties facilitated the repeal of debtor-relief legislation and the support of public credit by higher imposts and a hard-money policy. The agriculturist complained of deflation, lower prices for his products and more than his share of taxes. In January, 1782, a Worcester town meeting denounced the state liquor excise as an indirect and therefore disguised imposition "contrary to the genius of a free people" and declared spirituous beverages "absolutely necessary" for the refreshment of farm workers. Conservatives insisted that the husbandman's discontent was largely due to standards of living acquired in flush times which it was now hard to maintain. Among still other rural grievances were excessive court expenses, harsh treatment of debtors, extortionate lawyers and scarcity of money. Continental veterans in the Connecticut Valley who had been paid in

depreciated paper threatened to withhold their taxes. Joseph Hawley reported that citizens hitherto law-abiding were "on the point of turning to the Mob," in which case sheriffs and their deputies would be "like Stubble before devouring fire." When the ringleader of a riot was arrested, his followers broke open the Springfield jail. Though order was restored, the situation remained critical and some malcontents declared that their present rulers were more expensive than "the Great men under George 3d." This was four years before the Shays uprising.

The return of peace in 1783 led to an abnormal influx of British goods offered at low prices with liberal credits. Importers and their country customers bought more than they could afford and the merchants began to press their debtors. So commenced a new period of rural depression and smoldering resentment. The disorders proved most serious in Massachusetts, Rhode Island and New Hampshire, where demands for paper money and debtor-relief legislation became rife. The Shays revolt in Massachusetts started in 1786 with local meetings like those of 1782, chiefly in the inland counties. There were moderate demands for tax reform, but also such violent proposals as the "annihilation of the courts of common pleas and gen-

⁴ The selection from Evarts B. Greene, *The Revolutionary Generation, 1763-1790*, in *A History of American Life*, edited by D. R. Fox and A. M. Schlesinger, IV, Copyright, 1943, by The Macmillan Company and used with The Macmillan Company's permission. Pp. 337-340.

eral sessions." Lawyers were denounced and jealousy of urban business was indicated by a proposal to remove the capital from Boston. On August 29 a mob seized the Northampton courthouse and prevented the judges from sitting. Similar disturbances occurred later in the western and central counties and even farther east. State forces called to restore order were confronted by armed men, including Continental veterans; but serious fighting awaited the new year when the government, aided by contributions from well-to-do conservatives, was better prepared. The militia soon dispersed the poorly organized insurgents and order returned.

Many who did not take up arms nevertheless sympathized with the rebels. President Stiles was told that more than two thirds of the Berkshire people did so. Similarly, Stephen Higginson believed the disaffection "much more deeply rooted, and extensive than was apprehended." He thought the radicals would not rest easy till they either controlled the government and "divided property with their betters," or were forced "to submit to their proper stations and mode of living." The government's first impulse after Shays' defeat was to take drastic action and several leaders were sentenced to death; but a reaction soon followed. The conservative governor was overwhelmingly defeated for reelection and the membership of the legislature was radically changed. A new amnesty act was passed and the insurgent leaders were pardoned.

In New Hampshire and Vermont also there were agrarian demonstrations with some rioting. The New Hampshire lawmakers were for a time besieged by a mob. Order was soon restored,

however. The Rhode Island legislature, controlled by the radicals, enacted the desired paper-money and relief measures. In Connecticut, which was less disturbed, one worried observer reported some sympathizers there with "Shays and his banditti." A few Massachusetts insurgents took refuge in New York, causing a certain amount of anxiety there for a time, though it soon passed.

To some conservative leaders the challenge of the radicals was perhaps not wholly unwelcome. Promoters of "big business" and a stronger national government used the Shays Rebellion to prove the need of a bulwark against subversive influences. In Massachusetts opinion shifted definitely in favor of the proposed federal convention. "A Citizen of Pennsylvania" emphasized the menace of a radicalism becoming more general and more formidable: "The ambition of the poor, and the avarice of the rich demagogue can never be restrained upon the narrow scale of a state government." Henry Lee reported to George Washington the prevailing dread of impending anarchy, and Jay was similarly disturbed. Washington himself was comparatively moderate. Deprecating the severity of the Massachusetts authorities, he recognized the danger "of entirely alienating the affections of a people for their government." Nevertheless, he too saw in the situation evidence of the need for a federal convention. So it came about that many conservatives espoused the new Constitution, partly at least as a means of curbing the radicals, who in turn disliked its restraints on state legislation and feared that the commercial interests would dominate the government.

V

The Federal Constitution

SHAYS' REBELLION HAD DRAMATIZED THE NEED for strengthening the central government, but efforts to amend the Articles of Confederation failed. Washington, Hamilton, Madison and others worked to improve the Articles, but all without success. After several unsuccessful attempts to solve commercial problems, the friends of federalism and of a stronger government called a convention for May, 1787. The specific purpose of this meeting was to amend the Articles of Confederation. The move toward federalism was climaxed in the complete abandonment of the Articles and the adoption of the Federal Constitution.

1. TOWARD A STRONGER GOVERNMENT

The need for control over interstate commerce seemed especially great and proved to be a motivating factor in bringing the states together. Max Farrand in his book, The Framing of the Constitution of the United States, tells of the events leading up to the Constitutional Convention.⁵

DEMOCRATIC GOVERNMENT was on trial before the world. Thirteen British colonies had asserted and established their independence because they declared the form of government under which they had been living was destructive of their "unalienable rights" of life, liberty and the pursuit of happiness." Each of those colonies had established a government of its own, and together they had formed a union of "The United States of America" by means of certain articles of confederation. The individual state governments were proving fairly satisfactory, but the union was not. Its inadequacy had become more and more evident as the war for independence had continued and the stain of the struggle had grown harder to endure. As long as the war was in progress, the states had held together through sheer necessity; but as soon as the war was over, the selfishness of the individual states was asserting itself and the union was in danger of disintegration. The thirteen united states of America had renounced their allegiance to Great Britain, because the latter country no longer governed them well, and it now appeared as if they were unable to govern themselves. If the people of the United States were to prove their right "to assume among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them," they must show themselves capable of establishing and maintaining an efficient government. To justify themselves before the world and to justify themselves in their own eyes, an effective union was essential.

The articles of confederation represented the first essay in united government that the newly independent states had made. . . .

The one central organ of the newly established government was a congress, which might well have been termed a congress of states: in it all the states were upon equal footing, each with a single vote, and the delegation from each state was composed of not less than two nor more than

seven members, who were appointed annually in whatever way the legislature of each state directed, who were maintained at the expense of their respective states, and who were subject to recall at any moment. To the Congress thus constituted quite extensive powers were granted, but with two important limitations: none of the more important powers could be exercised "unless nine States assent to the same," which was equivalent to requiring a two-thirds vote; and when a decision had been reached there was *nothing to compel the states to obedience except the mere declaration in the articles that "every State shall abide by the determinations of the United States in Congress assembled."* Executive there was none, beyond the committees which the congress might establish to work under its own direction, and the only federal courts *were such as congress might appoint for the trial of piracy and felony on the high seas and for determining appeals in cases of prize capture. . . .*

The financial situation was so serious that early in 1781, before the articles had been finally ratified, congress had already proposed to the states an amendment authorizing the levy of a five per cent duty upon imports and upon goods condemned in prize cases. The amendment was agreed to by twelve states. But another weakness of the confederation was here revealed, in that the articles could only be amended with the consent of all of the thirteen states. The refusal of Rhode Island was sufficient to block a measure that was approved of by the twelve others. In 1783 congress made another attempt to obtain a revenue by requesting authority for twenty-five years to levy certain duties, and by recommending for the same term of twenty-five years that the states should contribute in proportion \$1,500,000 annually, the basis of apportionment being changed from land values to number of population, in which three-fifths of the slaves should be counted. In three years only nine of the states had given their consent and some of those had *consented in such a way as would have hampered the effectiveness of the plan.* It was, however, the only relief in sight and in 1786 congress made a special appeal to the remaining states to act. Before the end of the year, all of the states had responded with the exception of New York. Again the inaction of a single state effectually blocked the will of all the others.

Matters of commerce were inseparably associated with those of finance and were at this time of equal moment. In 1784 congress made an appeal to the states in which it was said: "The

⁵ Max Farrand, *The Framing of the Constitution of the United States* (New Haven: Yale University Press, 1915), pp. 1-12. Used by permission of the publishers.

situation of Commerce at this time claims the attention of the several states, and few objects of greater importance can present themselves to their Notice. The fortune of every Citizen is interested in the success thereof; for it is the constant source of wealth and incentive to industry; and the value of our produce and our land must ever rise or fall in proportion to the prosperity or adverse state of trade." . . . It was for this purpose that congress appealed to the states in 1784. It was virtually a navigation act for which power was requested and only for the term of fifteen years. All of the states responded, but with so many conflicting qualifications and conditions that the attempt was again a failure.

Pending a grant of power to congress over matters of commerce, the states acted individually. A uniform policy was necessary, and while a pretense was made of acting in unison to achieve a much desired end, it is evident that selfish motives frequently dictated what was done. Any state which enjoyed superior conditions to a neighboring state was only too apt to take advantage of that fact. Some of the states, as James Madison described it, "having no convenient ports for foreign commerce, were subject to be taxed by their neighbors, through whose ports their commerce was carried on. New Jersey, placed between Philadelphia and New York, was likened to a cask tapped at both ends; and North Carolina, between Virginia and South Carolina, to a patient bleeding at both arms." The Americans were an agricultural and a trading people. Interference with the arteries of commerce was cutting off the very life-blood of the nation, and something had to be done. The articles of confederation provided no remedy, and it was evident that amendments to that document, if presented in the ordinary way, were not likely to succeed. Some other method of procedure was necessary, and a promising way had already opened.

Virginia and Maryland had come to a working agreement regarding the navigation of Chesapeake Bay and some of its tributary waters, and those two states had requested the co-operation of Pennsylvania and Delaware. This whole proceeding was distinctly unconstitutional, for the articles of confederation specified that all such agreements must receive the consent of congress and that had not been obtained. But whether illegal or not it seemed to be an effective way of working, and in 1786 it was tried on a larger scale. Early in that year Virginia appointed commissioners "to meet such commis-

sioners as may be appointed in the other states of the Union, at a time and place to be agreed on, to take into consideration the trade of the United States." This proposal for a general trade convention seemed to meet with approval, and the Virginia commissioners, two of whom were James Madison and Edmund Randolph, then named Annapolis and the first Monday in September, 1786, as the place and the time.

In spite of the apparently favorable attitude towards it, when the time for the convention arrived only five states were represented. At least four other states had appointed commissioners, but the individuals had not hastened their attendance. With so small a number present it was impossible for the convention to accomplish the purpose of its meeting; but with the advance in public opinion, the commissioners did not hesitate to recommend another convention of wider scope. The French representative in this country wrote home to his government, what was evidently whispered among the elect, that there was no expectation and no intention that anything should be done by the convention beyond preparing the way for another meeting, and that the report was hurried through before sufficient states were represented to be embarrassing.

Alexander Hamilton was greatly interested in this whole movement for the betterment of conditions; he took a leading part in the Annapolis trade convention, and is supposed to have drafted its report. Whether or not there is any truth in the assertion above, that Hamilton thought it advisable to conceal his purposes, there is no doubt that the Annapolis convention was an all-important step in the progress of reform. Its recommendation was the direct occasion of the gathering of the convention that framed the constitution of the United States.

The recommendation, which the Annapolis delegates made, took the form of a report to the legislatures of their respective states, in which they referred to but did not enumerate "important defects in the System of the Fœderal Government," which were "of a nature so serious as, . . . to render the situation of the United States, delicate and critical, calling for an exertion of the united Virtues and Wisdom of all the Members of the Confederacy." They were accordingly "of Opinion, that a Convention of Deputies from the different States, for the special and sole purpose of entering into this investigation [of determining what the defects were] and digesting a Plan for supplying such defects" was the best method of procedure. To

give their proposal a more concrete form they finally suggested that their respective states should "use their endeavours to procure the concurrence of the other States, in the Appointment of Commissioners to meet at Philadelphia on the second Monday in May next, to take into Consideration the situation of the United States to devise such further Provisions as shall appear to them necessary to render the Constitution of the Federal Government adequate to the exigencies of the Union; and to report such an Act for that purpose to the United States in Congress Assembled, as when 'agreed to by them and afterwards confirmed by the Legislatures of every State' will effectually provide for the same."

The Virginia legislature acted promptly upon this recommendation and, as no method was specified, very naturally followed its practice in providing for the representation of the state in congress by appointing a similar delegation to go to Philadelphia. This precedent of appointing a delegation similar to its delegation in congress was followed by the other states. New Jersey took action almost at the same time as Virginia, and actually named her deputies in advance of that state. Within a few weeks, Pennsylvania, North Carolina, Delaware, and Georgia had also made appointments. As yet congress had not given its approval of the plan, and many people in the United States doubted that such a meeting could accomplish anything without having the sanction of the only body authorized by the articles of confederation to propose amendments. This last obstacle was removed, however, on February 21, 1787, when congress adopted a resolution in favor of a convention, and embodied the suggestions of the Annapolis report as to time and place.

Before the time fixed for the meeting of the Philadelphia convention, or shortly after that date, all of the other states had appointed deputies with the exception of New Hampshire and Rhode Island. New Hampshire was favorably disposed towards the meeting, but owing to local conditions failed to act before the convention was well under way. Its deputies, however, arrived in time to share in some of the most important proceedings. Rhode Island alone refused to take part, though a letter signed by a committee of merchants, tradesmen, and others, was sent to the convention expressing their regret at Rhode Island's failure to be represented and pledging their influence to have the result of the deliberations approved and adopted by the state.

The federal convention was thus summoned to meet in Philadelphia on the second Monday of May, 1787. It was authorized by congress, and it was shared in by twelve of the thirteen states comprising the confederation. Whatever complex of causes there may have been, the sequence of events resulting in this convention was, as outlined, the apparent impossibility of obtaining from the states the necessary amendments to vest in congress adequate powers in taxation and commerce, the calling of a trade convention, and then the calling of a general convention.

2. THE CONSTITUTIONAL CONVENTION

One of the most outstanding groups of men ever to assemble in the United States met at Philadelphia late in May, 1787. Although their declared purpose was to amend the Articles of Confederation, some members favored drawing up a completely new framework of government. In his book, The Confederation and the Constitution, Andrew C. McLaughlin has described some of the delegates and their work.*

AS THE DELEGATES chosen to the convention began coming together in Philadelphia in May, it was apparent that the crisis had produced an assembly of capable men; many of them had already won distinction; most of them had had experience in political affairs. They represented on the whole the conservative elements of the nation, who were dismayed by the appearance of discord and lawlessness, and who appreciated the national danger. They were more than practical politicians; they were men of education as well as of experience; about half of them had had college education; many of them were learned in law and history.

Washington and Franklin, the most famous members, were without the advantages of university training; but they had the wisdom which is not gleaned from books or absorbed from teachers—rare judgment, wide knowledge of men, profound insight into human motives, remarkable sanity, and a capacity for generous

* Andrew C. McLaughlin, *The Confederation and the Constitution, 1783-1789* (New York: Harper & Brothers, 1905), pp. 181-196. Copyright, 1905, by Harper & Brothers. Copyright, 1933, by Andrew Cunningham McLaughlin. Used by permission of the publisher. Historians have disagreed over the motives of the Constitutional Convention. For contrasting viewpoints see Eugene C. Barker, "Economic Interpretation of the Constitution," *Texas Law Review*, XXII (June, 1941), pp. 373-389, and Charles A. Beard, *An Economic Interpretation of the Constitution* (New York, 1913).

appreciation of the sentiments of their fellows. Franklin did not play a very conspicuous part in the convention, but his kindly humor and his national spirit were of value. Washington had hoped that he would be excused from attending; his friends persuaded him to come, however; and no one better realized the gravity of the movement—he saw the best men of the country chosen as delegates; the convention was the end for which earnest men had long been toiling; if it failed, what hope of reformation or the saving of national credit and reputation? "My wish is," he wrote, "that the convention may adopt no temporizing expedients, but probe the defects of the constitution to the bottom, and provide a radical cure, whether they are agreed to or not." He did not take an active part in the debates of the convention; there is no evidence of his having spoken more than once; but by sheer weight of character he did what much volubility and streams of sonorous language could not have accomplished.

Of the more active members of the convention Madison deserves chief consideration. We have already seen how anxious he was to better the federal government; he had been waging continuous warfare against the paper-money men and the forces of disorganization within his state. He prepared carefully for the work of the convention: he bought and read books; he studied the confederacies of the ancient world and the combinations of modern states; he noted carefully the characteristics of each and dwelt on the ideas that were pertinent to American problems. . . . Before the convention met he draughted an indictment of the vices of the political system of the United States. . . .

By such careful methods of study and by accurate thinking Madison had fitted himself to take a leading part in the convention's work. Quiet and unobtrusive, his knowledge gave him an advantage over more eloquent members. "In the management of every great question," wrote a delegate from Georgia, "he evidently took the lead in the Convention. . . . From a spirit of industry and application which he possesses in a most eminent degree, he always comes forward the best informed Man of any point in debate."

The Pennsylvania delegation included several men of unusual talent. Robert Morris took no share in the public discussions, but he had done much and learned much in the days of trouble, and he appreciated the need of real government. Gouverneur Morris, one of the enthusiastic, daring young men of the day, was a bril-

liant and effective debater and a speaker of unusual power; alert, dogmatic, caustic, and positive, he occasionally repelled rather than convinced his opponents; but he toiled for a national system and was filled with real patriotic spirit. The felicitous wording of the Constitution in its final form is due to Morris's command of simple and forcible English. From Pennsylvania came also James Wilson, a Scotchman by birth, educated at a university in North Britain, learned in the law, a student of history and political theory. No one saw more clearly the central point of the great problem before the convention; no one labored more steadily, or was able, casting all details aside, to grasp more firmly the most essential and significant principles. He shared with Madison the honor of leadership during the first half of the convention's work, planning and toiling and speaking for the recognition of national life in the establishment of a national government.

New York sent two men of mediocre attainments, Lansing and Yates, who feared for the safety of state ascendancy. The third member of the delegation was Alexander Hamilton. He had for years been working for a stronger central government, and he understood the situation well, but he was embarrassed by his colleagues, who could always cast the vote of the state against his wishes; and he was now so insistent upon authority, so out of patience with feeble government, that for the moment at least his ideas were extreme and inapplicable. He was young, enthusiastic, self-satisfied, and clear-headed, and rather "a convincing Speaker" than "a blazing Orator."

From Connecticut came three men of the first rank, William Samuel Johnson, Oliver Ellsworth, and Roger Sherman. Johnson, just elected president of Columbia College, had been a member of Congress, and had a broad view of the situation. Ellsworth was a lawyer of reputation and had at an early age been made a judge of the superior court of his state. Sherman had started life as a shoemaker, had entered into the political struggles of the Revolution, and had held many positions of trust and honor. His simple honesty, his sound sense, and his straightforward thinking made him a man on whom others relied. The two most prominent delegates from Massachusetts were Elbridge Gerry and Rufus King. Both had been members of Congress. Both were young men of talent. Gerry played a curious role in the convention, and has not left a reputation for either just discrimina-

tion or wise judgment. King, an eloquent and polished speaker, a man of exceptional personal charm, had for some time been opposed to radical action in altering the Confederation; but *he had come to see the danger of delay*, and was now ready to act with Wilson and Madison as one of the most effective nationalists in the convention.

In the New Jersey delegation was William Paterson, a lawyer like many of the rest, a man of good ability and of undoubted rectitude of purpose. He was not, however, broad-minded, when compared with the best men about him, and he did not, as we now see, appreciate the magnitude of the problem or really know the condition of the country. From Delaware came John Dickinson, who had won undying reputation as the "*penman of the Revolution*." One of the ablest lawyers and most scholarly men of his day, honest, right-minded, and earnest, he did not always have the faculty of looking at things simply or without misgivings and hesitations. The most conspicuous delegate from Maryland was Luther Martin, a learned lawyer, an implacable and irritating opponent, a prolix and wearisome speaker. *The delegates from South Carolina, John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, and Pierce Butler, were men of strength. The youngest of them all, Charles Pinckney, then under thirty years of age, had already been a member of Congress and had taken a deep interest in the reformation of the Confederation. His experience in public affairs had taught him the need of a thorough change in the organization of the Union.*

The second Monday in May was the day set for the convention, but when the time came only a few delegates had assembled. Rhode Island, in placid self-assurance, had not appointed any delegates, and had no intention of doing so. New Hampshire did not appoint till June. At the beginning, therefore, the most that could be expected was representation from eleven states. These early days, *when the delegates on the ground were waiting for a quorum, were not without their value. The more earnest advocates of strong government had a chance to talk over the situation. There was prevalent among the delegates that first assembled a desire for radical action. Some of them had clearly in mind a total alteration of the existing system—they proposed to establish "a great national council or parliament" consisting of two branches; to base this council on proportional*

representation of the states; to grant it full legislative authority; to bestow upon it unrestricted power of vetoing state laws; and to create an executive office and a judicial system. The Pennsylvania delegates proposed to Virginia that the large states should at the outset unite in refusing the small states an equal vote in the convention, "*as unreasonable, and as enabling the small States to negative every good system of government.*" The Virginia representatives, fearing that such an effort would beget fatal alterations, did not favor the project, but proposed that the smaller states should be prevailed on in the course of the debates to yield their equality. This was the beginning of the large-state or national party of the convention.

On May 25 enough states were represented to allow the organization of the convention. Washington was unanimously chosen president. It was determined that the discussions should be carried on in profound secrecy, and that nothing spoken in the house should be printed or otherwise made public without permission. We are, therefore, dependent for our knowledge of those immortal debates in part on the formal journal; in part on the occasional letters that were sent by the delegates to their friends; in part on the hasty notes that were written down by Yates, King, and a few other delegates; but chiefly on the careful reports prepared by the methodical Madison. Knowing the importance of the assembly, Madison took a seat near the front, listened with attention to the speeches, and laboriously wrote down brief and luminous condensations of them.

The delegates from Virginia, doubtless again guided by Madison's indefatigable temper, met daily before the convention assembled, and drew up a plan of a constitution, which was introduced by Randolph on May 29. In an able speech *he spoke of the defects of the Confederation, the prospect of anarchy, and the remedy in the establishment of effective government which could defend itself against encroachment and be superior to the state constitutions. The Virginia resolutions deserve careful consideration because they were taken as the basis of the convention's work, and formed the foundation of the new Constitution.*

They declared that the Articles of Confederation should be corrected and enlarged, and that to accomplish that object the right of suffrage in the national legislature should be proportioned either to the quotas of contribution or to the number of free inhabitants; that there

should be a legislature of two branches, the members of the first branch to be chosen by the people of the several states and to be ineligible to office under either the United States or any state during their term of service. The members of the second branch were to be elected by those of the first, and were likewise to be ineligible to office under either the United States or any state. Each branch was to have the right to originate bills. The national legislature was to have all the powers vested in the Congress of the Confederation, and in addition other powers which the states were incompetent to exercise. A national executive was to be established, and a national judiciary with a limited jurisdiction including the right to try suits in which foreigners were interested, which concerned the national revenue, or which involved the "national peace and harmony," as well as all cases of impeachment. Provision was made for the admission of new states, for the guaranty of a republican government to the states, for amendment "of the Articles of Union." It was expressly provided also that the alterations proposed to the existing Confederation should be submitted to state constituent assemblies or conventions expressly chosen to consider them in the various states.

Evidently the Virginia plan was not a mere "temporizing expedient." It contemplated the establishment of a national government and the formation of a real constitution. Apparently the new government was to have powers of legislation and not merely of recommendation. There was, moreover, some provision for the maintenance of authority, a remedy offered for the old difficulty. The plan provided that the officials of every state should "be bound by oath to support the articles of Union"; that the national legislature should have power to call forth the militia against any member "failing to fulfill its duty"; and that it should likewise be empowered to negative all laws contravening in its opinion the Articles of Union. Such was the remedy offered — the moral obligation of an oath, the force of neighboring states, the veto in the hands of the central government. Something better than this must be discovered before the convention solved its most trying problem. . . .

The fundamental proposition presented to the convention by the Virginia plan was next put forward sharply in a series of resolutions which were offered by Randolph on the suggestion of Gouverneur Morris: the eager young statesman from Pennsylvania could not wait for

any gradual elaboration of a plan or principle of government. These resolutions showed clearly the intent of the leaders of the large-state party: (1) "that a union of the States merely federal will not accomplish the objects proposed by the articles of Confederation"; (2) "that no treaty or treaties among the whole or part of the States, as individual Sovereignities, would be sufficient"; (3) "that a *national* Government ought to be established consisting of a *supreme* Legislative, Executive and Judiciary." Of these resolutions the first two were passed by without much discussion. The third, which went to the gist of the question before the convention, was agreed to, New York being divided and Connecticut voting no.

Morris, in the course of the debate, explained the distinction between a federal and a national or supreme government, "the former being a mere compact resting on the good faith of the parties; the latter having a compleat and *compulsive* operation." Mason declared the Confederation deficient in not providing for coercion and punishment against delinquent states, but argued cogently that punishment could not in the nature of things be visited on states, and that consequently a government was needed that could directly operate on men and punish only those whose guilt required it. There was thus brought clearly before the convention the cardinal and central proposition of the Virginia members which the men of national enthusiasm in the convention were hastening to support — a government over men, a rejection of the old theory of states united in a perpetual league of inefficient friendship. By the adoption of this resolution the convention in reality set upon the work, not of patching up the old Confederation, but, by a peaceful revolution, of putting aside the old impotent system altogether.

3. THE STRUGGLE OVER RATIFICATION

The views of those who had been seeking a stronger government were reflected in the draft of the federal constitution. One major obstacle yet to be met, however, was the problem of getting the new framework of government ratified by nine states. There were many Americans who saw no need for abandoning the Articles of Confederation and they vigorously opposed ratifying the Constitution. The struggle over ratification in Virginia was typical of the fight in several states. Patrick Henry, a popular leader in the fight against England, was one of the most bitter opponents of the new government, and James Madi-

son, one of its framers, was one of the Constitution's strongest supporters. Following is a sample of the debate which took place in Virginia before the state convention voted 89 to 79 in favor of ratifying the Constitution.⁷

MR. HENRY. Mr. Chairman, the public mind, as well as my own, is extremely uneasy at the proposed change of government. Give me leave to form one of the number of those who wish to be thoroughly acquainted with the reasons of this perilous and uneasy situation, and why we are brought hither to decide on this great national question. I consider myself as the servant of the people of this commonwealth, as a sentinel over their rights, liberty, and happiness. I represent their feelings when I say that they are exceedingly uneasy at being brought from that state of full security, which they enjoyed, to the present delusive appearance of things. A year ago, the minds of our citizens were at perfect repose. Before the meeting of the late federal Convention at Philadelphia, a general peace and a universal tranquillity prevailed in this country; but, since that period, they are exceedingly uneasy and disquieted. When I wished for an appointment to this Convention, my mind was extremely agitated for the situation of public affairs. I conceived the republic to be in extreme danger. If our situation be thus uneasy, whence has arisen this fearful jeopardy? It arises from this fatal system; it arises from a proposal to change our government—a proposal that goes to the utter annihilation of the most solemn engagements of the states—a proposal of establishing nine states into a confederacy, to the eventual exclusion of four states. It goes to the annihilation of those solemn treaties we have formed with foreign nations.

The present circumstances of France—the good offices rendered us by that kingdom—require our most faithful and most punctilious adherence to our treaty with her. We are in alliance with the Spaniards, the Dutch, the Prussians; those treaties bound us as thirteen states confederated together. Yet here is a proposal to sever that Confederacy. Is it possible that we shall abandon all our treaties and national engagements?—and for what? I expected to hear the reasons for an event so unexpected to my mind and many others. Was our civil polity,

or public justice, endangered or sapped? Was the real existence of the country threatened, or was this preceded by a mournful progression of events? This proposal of altering our federal government is of a most alarming nature. Make the best of this new government—say it is composed by any thing but inspiration—you ought to be extremely cautious, watchful, jealous of your liberty; for, instead of securing your rights, you may lose them forever. If a wrong step be now made, the republic may be lost forever. If this new government will not come up to the expectation of the people, and they shall be disappointed, their liberty will be lost, and tyranny must and will arise. I repeat it again, and I beg gentlemen to consider, that a wrong step, made now, will plunge us into misery, and our republic will be lost. It will be necessary for this Convention to have a faithful historical detail of the facts that preceded that session of the federal Convention, and the reasons that actuated its members in proposing an entire alteration of government, and to demonstrate the dangers that awaited us. If they were of such awful magnitude as to warrant a proposal so extremely perilous as this, I must assert, that this Convention has an absolute right to a thorough discovery of every circumstance relative to this great event. And here I would make this inquiry of those worthy characters who composed a part of the late federal Convention. I am sure they were fully impressed with the necessity of forming a great consolidated government, instead of a confederation. That this is a consolidated government is demonstrably clear; and the danger of such a government is, to my mind, very striking. I have the highest veneration for those gentlemen; but, sir, give me leave to demand, What right had they to say, *We, the people!* My political curiosity, exclusive of my anxious solicitude for the public welfare, leads me to ask, Who authorized them to speak the language of, *We, the people*, instead of, *We, the states?* States are the characteristics and the soul of a confederation. If the states be not the agents of this compact, it must be one great, consolidated, national government, of the people of all the states. I have the highest respect for those gentlemen who formed the Convention, and, were some of them not here, I would express some testimonial of esteem for them. America had, on a former occasion, put the utmost confidence in them—a confidence which was well placed; and I am sure, sir, I would give up anything to them; I would cheerfully confide in them as my repre-

⁷ Jonathan Elliot, ed., *The Debates in the Several State Conventions on the Adoption of the Federal Constitution* (Philadelphia: J. B. Lippincott Company, 1907), pp. 21-23, 58-59, 87-97.

sentatives. But, sir, on this great occasion, I would demand the cause of their conduct. Even from that illustrious man who saved us by his valor, I would have a reason for his conduct: that liberty which he has given us by his valor, tells me to ask this reason; and sure I am, were he here, he would give that reason. But there are other gentlemen here, who can give us this information. The people gave them no power to use their names. That they exceeded their power is perfectly clear. It is not mere curiosity that actuates me: I wish to hear the real, actual, existing danger, which should lead us to take those steps, so dangerous in my conception. Disorders have arisen in other parts of America: but here, sir, no dangers, no insurrection or tumult have happened; every thing has been calm and tranquil. But, notwithstanding this, we are wandering on the great ocean of human affairs. I see no landmark to guide us. We are running we know not whither. Difference of opinion has gone to a degree of inflammatory resentment in different parts of the country which has been occasioned by this perilous innovation. The federal Convention ought to have amended the old system; for this purpose they were solely delegated; the object of their mission extended to no other consideration. You must, therefore, forgive the solicitation of one unworthy member to know what danger could have arisen under the present Confederation, and what are the causes of this proposal to change our government. . . .

This Constitution is said to have beautiful features; but when I come to examine these features, sir, they appear to me horribly frightful. Among other deformities, it has an awful squinting; it squints towards monarchy; and does not this raise indignation in the breast of every true American?

Your President may easily become king. Your Senate is so imperfectly constructed that your dearest rights may be sacrificed by what may be a small minority; and a very small minority may continue forever unchangeably this government, although horribly defective. Where are your checks in this government? Your strongholds will be in the hands of your enemies. It is on a supposition that your American governors shall be honest, that all the good qualities of this government are founded; but its defective and imperfect construction puts it in their power to perpetrate the worst of mischiefs, should they be bad men; . . .

If your American chief be a man of ambition

and abilities, how easy is it for him to render himself absolute! The army is in his hands, and if he be a man of address, it will be attached to him, and it will be the subject of long meditation with him to seize the first auspicious moment to accomplish his design; and, sir, will the American spirit solely relieve you when this happens? I would rather infinitely—and I am sure most of this Convention are of the same opinion—have a king, lords, and commons, than a government so replete with such insupportable evils. . . .

MR. MADISON . . . Before I proceed to make some additions to the reasons which have been adduced by my honorable friend over the way, I must take the liberty to make some observations on what was said by another gentleman, (Mr. Henry.) He told us that this Constitution ought to be rejected because it endangered the public liberty, in his opinion, in many instances. Give me leave to make one answer to that observation: Let the dangers which this system is supposed to be replete with be clearly pointed out: if any dangerous and unnecessary powers be given to the general legislature, let them be plainly demonstrated, and let us not rest satisfied with general assertions of danger, without examination. If powers be necessary, apparent danger is not a sufficient reason against conceding them. He has suggested that licentiousness has seldom produced the loss of liberty; but that the tyranny of rulers has almost always effected it. Since the general civilization of mankind, I believe there are more instances of the abridgment of the freedom of the people by gradual and silent encroachments of those in power, than by violent and sudden usurpations; but, on a candid examination of history, we shall find that turbulence, violence, and abuse of power, by the majority trampling on the rights of the minority, have produced factions and commotions, which, in republics, have, more frequently than any other cause, produced despotism. . . .

I must confess I have not been able to find his usual consistency in the gentleman's argument on this occasion. He informs us that the people of the country are at perfect repose,—that is, every man enjoys the fruits of his labor peaceably and securely, and that every thing is in perfect tranquillity and safety. I wish sincerely, sir, this were true. If this be their happy situation, why has every state acknowledged the contrary? Why were deputies from all the states sent to the general Convention? Why have complaints

of national and individual distresses been echoed and reechoed throughout the continent? Why has our general government been so shamefully disgraced, and our Constitution violated? Wherefore have laws been made to authorize a change, and wherefore are we now assembled here? A federal government is formed for the protection of its individual members. Ours has attacked itself with impunity. Its authority has been disobeyed and despised. I think I perceive a glaring inconsistency in another of his arguments. He complains of this Constitution, because it requires the consent of at least three fourths of the states to introduce amendments which shall be necessary for the happiness of the people. The assent of so many he urges as too great an obstacle to the admission of salutary amendments, which, he strongly insists, ought to be at the will of a bare majority. We hear this argument, at the very moment we are called upon to assign reasons for proposing a constitution which puts it in the power of nine states to abolish the present inadequate, unsafe, and pernicious Confederation! In the first case, he asserts that a majority ought to have the power of altering the government, when found to be inadequate to the security of public happiness. In the last case, he affirms that even three fourths of the community have not a right to alter a government which experience has proved to be subversive of national felicity! Does not the thirteenth article of the Confederation expressly require that no alteration shall be made without the unanimous consent of all the states? Could any thing in theory be more perniciously improvident and injudicious than this submission of the will of the majority to the most trifling minority? Have not experience and practice actually manifested this theoretical inconvenience to be extremely *impolitic*? Let me mention one fact, which I conceive must carry conviction to the mind of anyone: the smallest state in the Union has obstructed every attempt to reform the government; that little member has repeatedly disobeyed and counteracted the general authority; nay, has even supplied the

enemies of its country with provisions. . . . Is it not self-evident that a trifling minority ought not to bind the majority? Would not foreign influence be exerted with facility over a small minority? Would the honorable gentleman agree to continue the most radical defects in the old system, because the petty state of Rhode Island would not agree to remove them? . . .

Give me leave to say something of the nature of the government, . . . In some respects it is a government of a federal nature; in others, it is of a consolidated nature. Even if we attend to the manner in which the Constitution is investigated, ratified, and made the act of the people of America, I can say, notwithstanding what the honorable gentleman has alleged, that this government is not completely consolidated, nor is it entirely federal. Who are parties to it? The people—but not the people as composing one great body; but the people as composing thirteen sovereignties. Were it, as the gentleman asserts, a consolidated government, the assent of a majority of the people would be sufficient for its establishment; and, as a majority have adopted it already, the remaining states would be bound by the act of the majority, even if they unanimously reprobated it. Were it such a government as is suggested, it would be now binding on the people of this state, without having had the privilege of deliberating upon it. But, sir, no state is bound by it, as it is, without its own consent. Should all the states adopt it, it will be then a government established by the thirteen states of America, not through the intervention of the legislatures, but by the people at large. In this particular respect, the distinction between the existing and proposed governments is very material. The existing system has been derived from the dependent derivative authority of the legislatures of the states; whereas this is derived from the superior power of the people. . . . I wish this government may answer the expectation of its friends, and foil the apprehension of its enemies. I hope the patriotism of the people will continue, and be a sufficient guard to their liberties.

Chapter Six

Trials of the New Nation Under Washington and Adams, 1789-1801



Washington's Arrival in New York Before His Inauguration

THE ADVENT OF GEORGE WASHINGTON TO THE PRESIDENCY of the United States in 1789 was a fortunate development. His reputation and character added stability to the new government established under the Constitution. However, the problems which had faced the Confederation were still unsolved and Washington found himself and his administration confronted with serious domestic and foreign questions. He sought to instil confidence in the new government by pursuing broad national policies which would command respect both at home and abroad.

On the domestic level Washington supported policies which would place the country on a solid financial footing. Among the measures enacted were tax and tariff laws to raise revenue, and both state and national debts were funded to establish the government's credit. A judicial system was created on the basis of constitutional authority and a Bill of Rights was added to the Constitution. Perhaps equally important, Washington demonstrated his firm conviction that federal laws must be obeyed when

he put down the Whiskey Rebellion.

In the matter of foreign affairs, Washington and John Adams were much more successful than the Articles of Confederation government. This was largely due to the French Revolutionary Wars in Europe which occupied the countries with whom the United States had to deal. With Spain and England involved in European wars after 1793, they were much more willing to listen to United States demands than they had been during the 1780's. In 1794 John Jay negotiated a treaty with Great Britain which called for removal of English troops from the border posts by June 1, 1796. Thomas Pinckney made a treaty with Spain in 1795 which settled the Florida boundary dispute, granted the United States free navigation of the Mississippi River, and gave Americans the right of deposit at New Orleans. The Jay and Pinckney treaties established the territorial integrity of the United States. Problems with France also caused great difficulty and embarrassment. During John Adams' administration the unfortunate X Y Z affair and

its results brought an undeclared naval war with France. The Convention of 1800 ended hostilities.

Washington and Adams by no means had unanimous support for their policies. The division which began over the ratification of the Constitution continued and as other issues arose,

such as chartering the United States Bank, a definite two party system developed. But the Federalist administrations of Washington and Adams went a long way toward establishing the government on a sound basis domestically and solving the foreign problems.

I

Domestic Problems

SINCE THE ARTICLES OF CONFEDERATION GOVERNMENT had failed to solve most of the pressing domestic issues confronting the new nation, Washington inherited a large number of difficult problems. Among the more important of these was the matter of establishing the government's credit. Alexander Hamilton, the first Secretary of the Treasury, proved to be an ideal choice for his post, and he directed a financial program which created confidence in the soundness of American finance. The Hamiltonian program included legislation to raise revenue, payment of state, national, and foreign debts, and the creation of a United States bank.

1. THE FIRST TARIFF ACT, JULY 4, 1789

The tariff law of 1789 was designed both to raise revenue and to help protect infant American industries against foreign competition. However, it was only mildly protective and the emphasis was placed on raising revenue. In fact, the tariff provided most of the nation's income down to the Civil War. The first law carried a general average of about eight per cent ad valorem on a selected list of items. In his History of the United States,¹ Edward S. Channing has discussed the first tariff act and has shown the diverse interests and problems in passing tariff legislation.

NO SOONER HAD THE DEBATE BEGUN ON Madison's revenue resolution than Thomas Fitzsimons of Philadelphia asserted that specific imposts were more suitable than ad valorem duties. He represented the manufacturing and commercial interests of Pennsylvania. He wished to establish a system to encourage American productions and more especially to "protect our infant manufactures." He moved to substitute certain resolu-

tions embodying his ideas for those that Madison had introduced. This proposal defeated the purpose of Madison's resolution, for no such scheme could be adopted off-hand; but Fitzsimons thought that it would be well to take whatever time was required to formulate a plan that would be in some degree adequate to the situation. He had served with Robert Morris and Alexander Hamilton in the Old Congress, and had acted with them in pushing important financial measures. Morris was now one of the Senators from Pennsylvania, and Hamilton was in New York, although he did not enter office until some months later than the time now under review. Nevertheless, it may reasonably be supposed that Fitzsimons acted in harmony with them.

Madison's and Fitzsimons's financial plans were referred to a committee of one from each State, on which their authors represented Virginia and Pennsylvania. The actual framing of the resolutions seems to have been left to Fitzsimons. He took the Pennsylvania tariff of 1785 as a basis. This law had been originally adopted for the protection of Pennsylvania manufacturing industry and had served its purpose well. An effective argument for the passage of a national protective act was now made: Pennsylvania and

¹The selection from Edward Channing, *A History of the United States*, IV. Copyright, 1917, by The Macmillan Company, and used with The Macmillan Company's permission Pp 61-63

some other States, while they were possessed of the taxing power, had offered inducements to capitalists to invest their funds in manufacturing enterprises, and this they had done by imposing duties on articles imported from foreign countries. It would be only right to continue this protection now that the States had confided the taxing power to the national government.

As soon as the debate was renewed in earnest, it was evident that the framing of any protective measure and even of any general impost law would be a very difficult matter. It was easy enough for a State legislature to pass such a law, because it represented a limited number of local interests, but a national tariff had to take cognizance of the various industries of the different sections. New Englanders wanted one thing, Pennsylvanians another, South Carolinians a third, and no one of them wished what the others desired. Take molasses and nails, as examples of New England's needs. Her distilleries turned the molasses into rum and the making of nails was a household industry that could be carried on when outdoor work was slack. Enough rum was distilled in New England to satisfy the drinkers of that section and of the others, too, and nails were made in such abundance that they were beginning to find their way into the Middle States. The New Englanders asked for a low rate on molasses, a high rate on competing West Indian rum, and a moderate duty on nails, which, with the freight, would discourage the importation of them from England. The Pennsylvanians had made considerable progress in the working up of the rich iron ores of that region. Their tariff of 1785 had placed an ad valorem duty of ten per cent on British steel and on the rougher forms of manufactured iron. They now wanted to have a similar duty inserted in the national tariff act and they also wished to have protection continued to textile industries which had already made progress in their State. The South Carolinians had no distilleries, naileries, iron mills, or manufacturing establishments. They thought they ought to have protection, if the others had it, and suggested that a duty be laid on all hemp imported for the purpose of encouraging the hemp industry in the South. All these desires were laudable and each of them was opposed to the interests of the other sections. The Pennsylvanians and the South Carolinians liked Jamaica rum. They were using nails every day in the construction of houses and vessels and did not want to pay any more for them than they could help. The New Eng-

landers and the South Carolinians were united in opposing duties on iron that the Pennsylvanians asked for, because these duties would increase the cost of ship-building in the North and of agricultural implements in both sections. Finally, the New Englanders and Pennsylvanians had no desire for any duty on hemp, for that would increase the cost of rigging for their ships. Log-rolling began with the beginning of the government; the New Englanders, if they got the duties on molasses, rum, and nails that they wished, were willing to vote for the imposts that the Pennsylvanians and South Carolinians asked for, and so it was all the way round. The interests were so diverse that it took months of discussion before the first tariff act was passed. It was approved by the President on July 4, 1789, and was to go into effect on the first day of the following August.

2. FUNDING THE DEBTS

With tariff legislation out of the way, Congress turned to the matter of funding the public debts. Hamilton outlined his views in his Report on the Public Credit published early in 1790. Although there was much opposition to his plans among Jeffersonian Republicans, the Federalist program prevailed. Davis Rich Dewey has described the funding activities in his Financial History of the United States.²

THESE GREAT REPORTS [Hamilton's financial reports] show plainly that Hamilton from the first had in his mind a clearly conceived financial system, including additional revenue, the adjustment of the national debt, extinction of the State debts, a national coinage, and a national bank. The first question which he faced and settled was that of the national debt. The federal debt was by no means light; in addition to the loans contracted abroad, . . . there was a mass of unfilled obligations to creditors at home. Hamilton promptly secured a request from the House to prepare a statement in regard to the debt and a plan for its settlement; and he had it ready January 9, 1790, as his Report on Public Credit. The foreign debt, which had been for the most part created by loans in definite amounts with precise conditions attached, could be stated with a fair degree of accuracy; and it does not appear that there were any serious dif-

² Davis Rich Dewey, *Financial History of the United States*, Fifth Edition (New York: Longmans, Green, and Co., 1915), pp. 89-94. Copyright, 1915, by Longmans, Green, and Co. Used by permission of the publishers.

ferences of opinion in regard to the necessity of making prompt provision for its payment. "It is agreed," wrote Hamilton, "on all hands that that part of the debt which has been contracted abroad and is denominated the foreign debt ought to be provided for according to the precise terms of the contracts relating to it. The discussions which can arise, therefore, will have reference essentially to the domestic part of it, or to that which has been contracted for at home. It is to be regretted that there is not the same unanimity of sentiment on this part as on the other." This foreign debt, as calculated by Hamilton, amounted, including both principal and arrears of interest, to \$11,710,000. Not only had the United States been delinquent in the payment of interest for periods varying from four to six years, but it had failed to pay the instalments of principal which began to be due in 1787.

The amount of the domestic debt was much more difficult to determine, as it consisted of a variety of credit obligations issued by different authorities at different times, bearing different rates of interest, with different guarantees of redemption. This was estimated by Hamilton as principal \$27,383,000, accrued interest \$13,030,000, and to this might be added \$2,000,000 for unliquidated debt. The larger part of the domestic indebtedness was incurred during the Revolutionary War, with subsequent arrearages of interest; between 1783 and 1790 the principal had been slightly reduced by the sale of public lands, but the unpaid interest had gone on piling up, so that a third part of the domestic indebtedness in 1790 was represented by arrears of interest.

A portion of the credit obligations, although in the form of ordinary loans, had passed current in the community as a monetary medium, and in company with all the other outstanding promises of the government had depreciated in value. The important question then arose: On what basis should these obligations be paid? Should present holders of national certificates of indebtedness be paid the face value of the certificates which they might hold; or should they be paid face value plus the accrued interest; or should they be paid not the face value, but what they had paid for them. The present holder of a certificate might have taken for a personal debt of only \$50 a bill dated 1783 for the face value of \$100. Should the government pay \$100, or \$130, or \$50 to him and \$50 to the original holder? This question was exhaustively

discussed by Hamilton in the "First Report on Public Credit," and the conclusion reached that present holders should be paid the full amount. Hamilton rejected the doctrine of discrimination; in the first place, because it was a breach of contract, and, secondly, a violation of the rights of a fair purchaser. The contract was that the people were to pay the sum expressed in the security to the first holder or his assignee; every buyer, therefore, stood exactly in the place of the holder, and having acquired that right by fair purchase his claim could not be disputed without manifest injustice. Those who parted with their securities from necessity might be hardly treated; but whatever claim of redress they might have should be brought to the government for settlement on independent grounds of equity.

The subject was taken up in the House of Representatives January 28, 1790, and resulted in a bitter debate. Popular feeling was strong in favor of discrimination, inasmuch as it was known that speculators had seized the opportunity of making profit by trading upon the ignorance of the people. Upon the publication of Hamilton's report, certificates went up to fifty cents on the dollar. A member of the House publicly declared that "Since this report has been read in this House, a spirit of havoc, speculation, and ruin has arisen, and been cherished by people who had access to the information the report contained, that would have made a Hastings blush to have been connected with, though long inured to preying on the vitals of his fellow men. Three vessels, sir, have sailed within a fortnight from this port freighted with speculation; they are intended to purchase up the State and other securities in the hands of the uninformed though honest citizens of North Carolina, South Carolina, and Georgia. My soul rises indignant at the avaricious and immoral turpitude which so vile a conduct displays." William Maclay in his Diary, January 15, 1790, notes, "This day the budget, as it is called, was opened in the House of Representatives. An extraordinary rise of certificates has been remarked for some time past. This could not be accounted for, neither in Philadelphia or elsewhere. But the report from the treasury explained all." He remarks that he cannot call at a single house but traces of speculation in certificates appear, and one of his associates, Hawkins of North Carolina, told him that on his way to the capital he passed two expresses with very large sums of money on their way to North

Carolina for purposes of speculation in certificates. Madison was ready with a compromise, and proposed that the present holders be offered the highest price in the market, the residue to go to the original lenders, — he thought it possible to identify the present holders through the presentation of certificates, and the original holders by the office records, — but even he could not devise a remedy for intermediate holders. In spite of opposition Hamilton's plan prevailed; all holders of certificates were to receive the face value of the government's promise with interest, the only exception being the still outstanding continental bills of credit, which were to be cancelled at only 100 for 1 in specie. . . .

A second and more burning question connected with the funding scheme was the assumption of the debts of the several thirteen States. The States, when they entered the Union under the Constitution of 1789, brought with them a burden of indebtedness, largely the heritage of the common struggle for independence; and the question arose whether the general government should remove these burdens from the shoulders of the separate States, or the States should be left to pay their respective debts. Hamilton's argument in favor of an assumption was exhaustive: it would contribute to a more orderly, stable, and satisfactory arrangement of the national finances; the payment of public debt could be more conveniently and effectively made by one general plan than by different plans originating with different authorities; there was danger that the different States in order to secure their own local revenue would adopt different policies of taxation, which would introduce confusion and oppress industry; and as the States had been deprived of an important financial instrument by giving up import duties, the situation of the State creditors would be worse than that of the creditors of the Union unless the federal government came to the rescue. Behind these arguments lay Hamilton's policy of consolidating the interests of all the States in order to create political unity; and for this purpose a debt might indeed be regarded as a blessing.

The Southern States strenuously opposed assumption because their debts relative to population were much less than those of the North. They thought it wrong that they who had gone through the struggles of the Revolution and had settled their current financial burdens, whether by taxation or by repudiation with its attendant sacrifice to their own citizens, should

be obliged to help pay the debts of the Northerners, who had relied more upon borrowing than upon taxation, and were now desirous of saddling their debts upon the South. Here again Hamilton was successful in carrying through his plan of assumption, but only through a bargain by which the South was granted the location of the federal capital in the territory set off from Virginia and Maryland.

The amount of stock which the States under the law could subscribe for and which was finally assumed is stated in the following table: —

State	Permitted by law	Actually assumed
New Hampshire	\$300,000	\$282,596
Massachusetts	4,000,000	3,981,733
Rhode Island	200,000	200,000
Connecticut	1,600,000	1,600,000
New York	1,200,000	1,183,717
New Jersey	800,000	695,203
Pennsylvania	2,200,000	777,983
Delaware	200,000	59,162
Maryland	800,000	517,491
Virginia	3,500,000	2,934,416
North Carolina	2,400,000	1,793,804
South Carolina	4,000,000	3,999,651
Georgia	300,000	246,030
Total	\$21,500,000	\$18,271,786

No subscriptions of certificates were received except those which had been issued for services or supplies during the war, and, as the foregoing table indicates, the allowance made by the act for most of the States was ample.

Hamilton has been vigorously criticized for thus adding to the national debt; it is plausibly argued that, if assumption were a matter of justice, the federal government should have taken into account the payments already made by the States in the reduction of their debts, or even have gone back and reckoned the requisitions honored or ignored by the several commonwealths. It is also argued that, if the funding had been delayed until an adjustment of accounts of the debtor and creditor States had been made, the obligations for which the United States could have been held responsible would have been reduced by \$8,000,000. Hamilton's justification rested upon political expediency rather than upon a desire to make an exact financial balancing of claims. Not only was a

prompt settlement of questions of dispute of greater immediate value than the careful adjustment of the several burdens, but Hamilton wished to gain the support of the capitalistic class, including the holders of State funds.

3. THE FIRST UNITED STATES BANK

*A tariff law and funding of the debts did not complete Hamilton's financial program. He next insisted on establishing a United States bank. In a report of December, 1790, he presented arguments favoring a central bank. After vigorous congressional debate, the First United States Bank was chartered in 1791 over the heated objections of many Jeffersonian Republicans. It was a private corporation in which the federal government invested part of the capital. Davis Rich Dewey has given an informative account of the activities surrounding the move to charter a bank in his book, Financial History of the United States.*³

BESIDES THE QUESTIONS OF URGENCY, such as the provisions of a revenue, the establishment of an effective administration of finance, and the satisfaction of the government's creditors, there were other financial problems which early engaged the attention of Congress. In part these were inspired by Hamilton, who had definite convictions on the proper relation of government to finance, and in part they were due to new and unforeseen demands on the treasury.

Hamilton was convinced that a national bank would be an important factor in the improvement of national credit. Little in the previous experience of the country gave encouragement to such a project. During the Revolutionary period several banking propositions had been discussed, and as a result in the decade 1780-1790 three institutions had been established,—the Bank of North America, originally chartered by Congress in 1781 at the suggestion of Robert Morris; the Bank of New York, organized in 1784; and the Massachusetts Bank. Hamilton had already shown his interest in the subject by co-operating in the founding of the Bank of New York, for which he drafted the articles of association. On December 13, 1790, within a few months of his induction into office, he presented an elaborate document in favor of a federal bank. After rapidly reviewing some

precedents in the history of other countries he sums up the advantages which would be derived from such an institution: First, there would be an increase of actual capital by an enlargement of notes in circulation, by providing greater use of individual notes of hand, and by a gathering up of individual deposits, second, the bank would make it easier for the government to obtain loans; and, third, it would make it easier for the individual to pay his taxes to the government, since he would have a greater opportunity to borrow, and there would be an increase and quickening of the circulation of money. Hamilton enumerated and discussed the possible economic disadvantages, such as increase of usury; interference with other kinds of lending; temptation to overtrading; disturbance of the natural course of trade; fictitious credit to bankrupts; and banishment of gold and silver from the country. The report closed with an outline of a constitution of a bank. In the congressional debate which followed, the opposition dwelt less upon the commercial and fiscal merits and demerits of a bank than upon the charges that a bank would be a monopoly inconsistent with a free republic.

After the debate seemed about at an end, it was renewed with much vigor on the question of constitutionality. Madison recalled that the Constitutional Convention of 1787 had rejected the insertion of a power to Congress to grant charters of incorporation, and roundly attacked the whole idea, asserting that "It appeared on the whole that the power exercised by the bill was condemned by the silence of the Constitution; was condemned by the rule of interpretation arising out of the Constitution; was condemned by its tendency to destroy the main characteristics of the Constitution; was condemned by the expositions of the friends of the Constitution whilst depending before the people; was condemned by the apparent intentions of the parties which ratified the Constitution; was condemned by the explanatory amendments proposed by Congress themselves to the Constitution."

The bill passed the House by a sectional vote of 39 to 20; in the negative there was only one vote north of Maryland, and in the affirmative but three south of that State. Washington was in doubt as to approving the bill, and asked his cabinet advisers for written opinions on its constitutionality. Randolph, the attorney-general, and Jefferson, secretary of state, submitted adverse opinions, which were then presented to

³ Davis Rich Dewey, *Financial History of the United States*, Fifth Edition (New York: Longmans, Green, and Co., 1915), pp. 98-101. Copyright, 1915, by Longmans, Green, and Co. Used by permission of the publishers

Hamilton for examination. Hamilton's opinion is one of his ablest papers; it not only solved the president's doubts, but it furnished an arsenal of argument to be drawn upon in the future for a generous interpretation of the Constitution.

The charter provided for a capital stock of \$10,000,000, of which one-fifth was to be subscribed by the government; the remainder was open to public subscription, one-fourth to be paid in specie and three-fourths in government stock bearing 6 per cent. interest. The government subscription was to be borrowed from the bank, payable in ten annual instalments, or sooner if the government should think fit; the note issues of the bank were limited by the provision that all debts should not exceed the deposits by more than \$10,000,000, and they were receivable for all payments to the United States; the establishment of branches was authorized according as the directors might deem proper; and periodical statements of the bank's condition might be called for by the secretary of the treasury. The charter was to run for twenty years, and in the meantime the government pledged itself to grant no other bank charter. Capital was secured without difficulty, and the central bank was opened at Philadelphia, December 12, 1791, followed by the establishment of eight branches, at Boston, New York, Baltimore, Washington, Norfolk, Charleston, Savannah, and New Orleans.

In a history of government finance the chief interest in the experience of the United States Bank lies in the assistance which the bank rendered to the government treasury. In the first place the bank lent the \$2,000,000 contemplated in the charter, and speedily supplemented this aid by other loans made in anticipation of taxes. As revenue in these early years was uncertain, and expenditures increased out of proportion, the government had a valuable advantage; but unfortunately it proved difficult to discharge the obligation which had been so easily incurred, and by 1796 the debt to the bank had increased to \$6,200,000. The bank then became insistent upon payment because of its own needs, and the government sold a portion of its stock in 1796-1797; as financial pressure still continued, by 1802 it parted with all its holdings. The sales showed a profit, yielding a premium of \$671,860. In addition the government during its ownership received dividends of \$1,101,720, or about 8½ per cent. annually. As compared with the payments made by the government to the bank

for its loan, the original investment netted a handsome profit.

The second fiscal service which the bank rendered to the government was in caring for its funds. As the government depended for its revenue almost entirely upon customs duties, collected at ports extending along a seaboard of thousands of miles, it would have been difficult for the treasury department in the early years of its existence to have made the necessary transfers, and as yet there were but few local banking institutions which could have been chosen for depositories. The bank and its branches, however, did not have the exclusive privilege of government deposits. In 1811, even before rechartering was refused, at least eleven local banks were employed, of which eight were in the eastern section of the country; and the private depositories had the custody of one-third of the public deposits.

4. THE WHISKEY REBELLION

*Another aspect of the new government's financial program was the tax levied on whiskey. The people in the western parts of the states from Pennsylvania southward were dissatisfied with the excise and several state legislatures passed disapproving resolutions. The main opposition, however, came to center in western Pennsylvania. Leland D. Baldwin has presented a clear account of frontier opposition to the whiskey tax in his book, *Whiskey Rebels*.⁴ The troops called out by Washington easily defeated the rebels and maintained federal authority. But westerners were bitter at the administration, one which they believed was dominated by the upper economic classes, and they strongly supported Thomas Jefferson and the Republicans.*

THE ACT OF 1791 divided the United States into fourteen districts of one state each, with the provision that the president could alter the boundaries of the districts by adding portions of the greater districts to the smaller. Each district, administered by a supervisor, was divided into surveys, each in charge of an inspector. The surveys, in turn, were divided into collectorships, each with a collector, who was to gather the tax. Virginia had seven surveys, Maryland

⁴ Leland D. Baldwin, *Whiskey Rebels: The Story of a Frontier Uprising* (Pittsburgh: University of Pittsburgh Press, 1939), pp. 68-75. Copyright, 1939, by the University of Pittsburgh Press. Used with the permission of the publishers.

two, and Pennsylvania four. George Clymer, a signer of the Declaration of Independence, was supervisor of the Pennsylvania district and also inspector of the first survey, in the vicinity of Philadelphia. His salary was one thousand dollars a year and one half of one per cent of the money he collected. The fourth survey was composed of Allegheny, Washington, Fayette, Westmoreland, and Bedford counties, which comprised in general the western part of the state, and was in charge of General John Neville. His salary was four hundred and fifty dollars a year and one per cent of what he collected. The collectors were entitled to four per cent of the money they collected. Two schedules were provided for domestic distilleries: one for those in city, town, or village, and the other for country distillers. For the first class, payments ranged from nine to twenty-five cents per gallon, according to proof, and provisions were made for abatements for cash and for quarterly payments. For the second class, the distillers could pay at the annual rate of sixty cents per gallon for the capacity of their stills or at nine cents for each gallon of production. Illegal liquor was to be forfeited, one half going to the person lodging the information.

The amending act of May 8, 1792, reduced the rates to seven to eighteen cents for the first class of distillers. Country stills of capacity under four hundred gallons could pay fifty-four cents per gallon capacity annually, ten cents per gallon capacity for each month they were in use, or seven cents for each gallon produced. Each county was to have an office of inspection, and entry was to be made in June. The third act, of June 5, 1794, provided that, if there was no office of inspection in the distiller's county, he should enter his still at some office within the district. Owners of stills of one hundred gallons capacity or less could enter them for a term of a month to a year, paying at the monthly rate.

As has been seen, the heredity, the psychology, and the situation of the Monongahela farmer all conspired to make him an enemy of the excise. The expense of transportation to distant markets reduced the profit on the product of his still to a scant margin, and, as Hamilton pointed out in his able report of March 6, 1792, the distiller thought that he would have to pay the excise from this margin, not realizing that the consumer always pays the tax. Hamilton further pointed out that since it was the consumer who paid the tax, each section of the country would yield only its fair proportion, and if the West

had to pay more it was only because it used more whiskey. This was exactly the case, but the fact was far more vital to the westerner than Hamilton would admit. Heredity, convenience, and habit made whiskey his characteristic tippie as well as the most acceptable article for barter. When, cash or barter, a gallon of whiskey could bring in the West no more than half what it brought in the East, John Buckskin was bound to complain if he had to pay the same tax. When the average farmer did not see twenty dollars cash in a year, the payment in cash of the excise on his still immediately became a major problem, especially if the whiskey was used only for barter.

Perhaps it was true, as Hamilton suggested, that the commissary spent in the West as much in one year as the taxes amounted to in four or five, but this did not help the back country farmer much. He bartered his whiskey and other products at a reduced valuation to the store-keeper; the latter sold them to the army or to the Spanish in Louisiana and then sent the cash East to purchase the goods he bartered to the farmer. Sometimes the farmer bettered his situation by sending his wares to the East by pack train or by loading them on a flatboat destined for New Orleans; but, if he did obtain a little cash, he almost invariably had to deposit it with an agent or the store-keeper for transmission to the eastern speculator from whom he had bought his farm. In this way the West was perennially drained of its cash, and even the wealthy often found themselves hard pushed to meet their obligations to eastern creditors.

It can readily be seen that when business was conducted in this manner the large distiller was at an advantage, especially if he located in a town. He could sell his whiskey directly to the commissary for its full value in cash, but the small distiller in the back country received only a part of its value in barter. There were ways, moreover, of greasing the palms of the Spanish officials on the Mississippi so that a flatboat loaded with whiskey could slip through the prohibitive customs barrier and be sold for a round profit in Spanish dollars, and it was estimated in 1794 that one hundred thousand gallons had been sent down the Ohio from the vicinity of Pittsburgh. It was true, as some distillers complained, that the excise act allowed for no drawback on whiskey thus shipped out of the country by the back door, but even so the man with capital could make his profit. In fact, there soon arose among the larger distillers the feeling that

perhaps, after all, the excise was a good thing, as it would act to put the smaller ones out of business. In some parts of the country a further factor worked for the elimination of the small fry. It was a peculiar fact that the law, which to the common suppliant seemed incomprehensible, had a surprising way of clearing up before the well paid efforts of superior legal talent. John Buckskin, watching in open-mouthed wonder the evolutions of the lawyers, became more than ever convinced that the excise was one more move, and probably the decisive one, in the government's campaign to reduce him to the economic, political, and legal status of a European peasant.

For years the West had urged a land tax as the most equitable method of taxation. The purpose in this was twofold: first, the East would bear the greatest burden, since land there was more valuable on account of superior improvements and proximity to markets; and second, it was hoped that the taxing of the western land held by speculators would force them to sell it at reasonable rates and thus hasten the development of the West. Now it was perfectly apparent to the westerner (his legislative representatives had seen to that) that the laying of the excise was a clever move on the part of the eastern plutocracy to escape a land tax, and the latter's acceptance of a tax on fine imported wines and spirits did not convince the backwoodsman of their disinterestedness. The eastern retort that westerners were natural born grumblers and would have fought a land tax as bitterly as an excise did nothing to improve the relations between the sections.

Another factor in the opposition, and one with which government officials had scant patience, was the fact that the Monongahela countryman's pride made him resent, almost hysterically, the inquisitorialness of excise officers with their searches and seizures, their markings with paint and branding irons. "What was it caused the Revolution, if it was not this?" the westerner asked, and refused to be convinced that such actions from a government seated in Philadelphia were any less dangerous to liberty than from one seated in London. Some of the more radical Presbyterians also found an additional fault in the fact that the law required them to make oath, for this was a violation of their conscientious scruples.

It is possible that the westerner would have submitted to these conditions, galling as they were, had not one other circumstance added to

insult and injury what he regarded as certain ruin. This was the provision for trial of excise cases arising in Pennsylvania in the federal court in Philadelphia. The small distiller felt sure that the law had been cunningly contrived to catch him no matter how honestly he tried to abide by it, and with a farm and still worth five hundred dollars at the most, he was driven almost frantic by the prospect of attendance at a court three hundred miles from home, with the absence for an unpredictable number of weeks during the farmer's busy season, and with the burden of payment of lawyers and witnesses. It looked to him like deliberate and premeditated confiscation. This view was further supported by the fact that though Congress in March, 1793, had authorized the holding of special sessions of federal courts near the scenes of alleged offenses, no such sessions were ever called in the Monongahela country in connection with the enforcement of the excise law.

The excise was hated not only for its direct results but also for what was expected to follow. Salaried officers, always distrusted on the frontier, were a part of the excise system, and the western Pennsylvanian, meeting his cronies at church or at the store, prophesied the extension of the tax to other articles and the building up of a numerous corps of salaried officers who would fasten tyranny in the saddle more firmly than it had ever been under the royal Georges.

The excise was by no means the only cause of western discontent. The drainage of specie to the East had been a problem long before the passage of the federal excise law and resulted, as has been said, from the obligations due to the East for land and necessities. The difficulty of transportation made it impossible to export western lumber, meat, and grain in exchange, and this state of affairs was to continue until the Louisiana Purchase and the development of the steamboat made intersectional trade possible. Meanwhile, the Monongahela countryman, whose comprehension of the situation was sharpened by his sufferings, complained that the government was not interested in opening the Mississippi to American commerce and that it favored the Indians above its own citizens. The westerner, unable to find specie to buy from the speculators who had engrossed most of the desirable land, clamored for admission to the Northwest Territory. Pennsylvania's plan to establish a settlement at Presque Isle was certain to arouse the resentment of the Iroquois, so had been vetoed by the federal government

amidst the West's clamorous accusation of pusillanimity. The fact that the British remained in the western posts, which they had agreed to surrender at the close of the Revolution, did nothing to popularize Washington's administration in the West.

Another complaint had to do with arduous and ill-paid militia service. Each man, under penalty of a heavy fine, had to equip himself with provisions and a rifle, the last no small item in the average farmer's budget, and had to answer instantly any call for service. Let a band of Indians but make a raid in the county and the militia would be called out and kept under arms, perhaps for weeks, with nothing to do but curse a government so selfish and stupid that it had not long ago erased such varmints as Indians from the face of the earth.

The foregoing is a presentation of the case from the limited point of view of the small farmer and distiller. Without attempting to minimize the validity of his objections when applied to his circumstances, it is apparent, when one takes a sweeping view of "progress"—if one approves of that much discussed movement—that John Buckskin was fighting against the larger eventual welfare of humanity. Hamilton and his proponents with their new political and economic philosophy were easily able to explode the backwoodsman's arguments.

One by one official apologists or newspaper contributors set up the westerner's arguments and knocked them over—some of them quite effectively. They pointed out the absurdity of trying to enforce a law without officials and demonstrated that inquisitorialness was, under the law, confined to an irreducible minimum. As for distance from markets and its accompany-

ing handicaps, the settlers had accepted this knowingly when they moved to the West. As for scarcity of cash, surely a tax estimated at one dollar and a half a family was not excessive. It was absurd to fear a growth of bureaucracy and tyranny when the people of the West had a voice in the Congress, in fact when western Pennsylvania had three members although its population would scarcely entitle it to two. If the Monongahela farmers were dissatisfied, let them appeal to Congress, and if their grievances were valid, the law would be changed. This view was sound theoretically, but not practically, as the South later found to its cost. It was admitted that there were imperfections in the excise law, notably the matter of trial over the mountains, but they would soon be remedied. Indian policy, the western posts, and the navigation of the Mississippi, it was said, were by no means being neglected, and chapter and verse were cited to prove it. After all, the United States was young, and there were other sections to be satisfied besides the noisy young West. Let patience have her perfect work.

These arguments, logical and reasonable as they were, failed to satisfy John Buckskin, and as the months went by he became increasingly clamorous in his demands that state and federal governments do something to reduce his burdens and to provide an outlet for his products. And the East, as is the habit of privileged sections in every age, was quite unmindful of the hardship being imposed upon the hinterland, but went on molding the national economy to suit the ideas of the young men who headed the Federalist Party and who represented the manufacturing and mercantile elements of the nation.

II

Relations with England and Spain

SELDOM IN THE HISTORY OF THE UNITED STATES have foreign affairs played a more important part than during the administrations of George Washington and John Adams. Despite Washington's desire to remain neutral in the war which broke out between England and France in 1793, the European conflict created many problems for Americans. Other difficulties with England, France, and Spain stemmed from some of the provisions of the Treaty of Paris of 1783. The Jay Treaty with England and the Pinckney Treaty with Spain settled some of the most important differences with those powers and established the territorial integrity of the United States.

1. RELATIONS WITH ENGLAND: THE JAY TREATY, NOVEMBER 19, 1794

For over a decade after the Treaty of Paris there were almost constant differences and difficulties between the United States and Great Britain. One of the main sources of contention was England's refusal to evacuate the northwestern posts. The British excuse for not leaving American soil was that the United States had not paid her just debts. When war broke out between England and France in 1793, the British refused to respect American neutral rights on the high seas, action which created still further trouble. To solve these and other problems, John Jay was sent to England in 1794. Samuel Flagg Bemis has described the Jay Treaty and American reaction to it in his book, A Diplomatic History of the United States.⁵

JEFFERSON HAD NOW (December 31, 1793) resigned in disgust against Hamilton's intermeddling in his department. Hamilton, as always, saw in any rupture with England the ruin of American credit and the collapse of the new nationality of 1787. He and Federalist leaders prevailed on Washington to send one of their men, the experienced diplomatist, John Jay, the Chief-Justice, on a special mission to London to see if some sort of settlement short of a break could be arranged with Great Britain.

Jay succeeded in doing this in a treaty signed on November 19, 1794. Pitt proved as eager for peace as Hamilton. His major anxiety was the European war, from the fierce prosecution of which Great Britain must not be unnecessarily diverted. Besides, the United States was England's greatest and most profitable foreign customer. Jay felt that he had obtained the best terms possible; but scholars who have since been able to review the documents, for a long time not open to perusal, now see that Hamilton's intimacy with the British Minister in Philadelphia, Hammond, enabled Lord Grenville to press Jay to the utmost line of concession. The new Secretary of State, Edmund Randolph, had instructed Jay to consult with the Swedish and Danish Ministers at London as to possible common action to be taken diplomatically against British maritime policy. Sweden and Denmark, in fact, did sign in April, 1794, a new armed neutrality, and invited the United States to

come in. This invitation arrived after Jay's departure. Washington's Cabinet decided not to accept on the ground that it might be an entangling alliance. Hamilton told this to Hammond, who immediately relayed it to Grenville, who was very nervous about such a possibility. Thus reassured, he made no great concessions to Jay on the score of maritime rights. In addition to Hammond's sources of information from Hamilton, Grenville had a copy of the secret cypher of the Department of State.

Jay's Treaty provided that the United States would guarantee the payment to Great Britain in sterling money of *bona fide* private debts contracted before the peace, the amount of the same to be determined by a mixed commission. Great Britain on her part agreed to evacuate the posts by June 1, 1796, and to pay compensation for spoiliations on American shipping made "under color" of the obnoxious orders-in-council, which themselves were not repudiated in principle. The amount of damages was to be fixed by a mixed commission. A mixed boundary commission was to determine the identity of the true St. Croix River, which had been made a part of the northeastern boundary by the treaty of 1783; and the two governments agreed to concert measures to regulate the northwest boundary, where a gap had been discovered. The navigation of the whole Mississippi was again declared free to the citizens and subjects of both parties. The treaty established commercial relations between the two parties on a non-discriminatory basis, and contained a guaranty against any discriminations by the United States against British trade or sequestration of property of British subjects. American ships henceforth would be admitted into the British East Indies, but not into British North America, and into the British West Indies only under such restrictions that the Senate rejected that article (XII) altogether. On the other hand, overland commerce between the United States and British North America was provided for, on reciprocal terms, each government making tariff charges similar to those levied on goods of its own nationals. Important were those articles which prohibited sequestration of private property, and which recognized the right of the British Government to levy countervailing duties on American goods to balance the discriminations of the American tariff and tonnage laws in favor of domestic shipping. The four mixed commissions set up by the treaty for the regulation of debts, spoiliations and disputed boundaries gave

⁵ From *A Diplomatic History of the United States*, Third Edition, by Samuel Flagg Bemis. By permission of Henry Holt and Company, Inc. Copyright, 1912, 1930. Pp. 101-101.

a powerful impetus to the principle of arbitration. For adjudicated spoiliations citizens of the United States ultimately collected by 1802 \$10,345,200 which compares in amount closely to the sums received after the Geneva Arbitration. The United States in 1802 satisfied British private debtors with a lump sum of £600,000.

Nothing was said in the treaty about free ships, free goods, or the right of neutrals to trade in non-contraband goods to and between enemy ports. The United States thus silently acquiesced in the practice of taking enemy goods from neutral ships and the British Rule of 1756. Naval stores were included in a contraband list. It further said that whenever provisions, and other articles not generally considered contraband, should indeed become contraband, they should be seized and paid for, not confiscated. Blockade was mentioned but not defined, thus leaving open the possibility of paper blockades. These maritime articles were of greatest significance throughout their duration, which was fixed at twelve years. Departures from the Plan of 1776, they were in some sense incompatible with the Franco-American treaty of 1778 but not a violation of it.

To balance against these great concessions to British sea power there was the assurance of continuing commercial prosperity, sound national finances, and the perpetuation of the newly consolidated American nationality. There was also the great achievement of redeeming the territorial integrity of the United States throughout the Northwest, which coincided with General Anthony Wayne's decisive victory over the hostile Indians at the battle of Fallen Timbers (August 20, 1794). But the concessions to England were heavy. They were the price which the Federalists paid for peace, that peace with England so necessary for the maintenance of Hamilton's structure of national credit and with it of the new federal government under the constitution of 1787. It is not an exaggeration to believe that Jay's Treaty, which was really Hamilton's treaty, saved American nationality in an hour of crisis.

The treaty was immensely unpopular. Jay was burned in effigy by turbulent public gatherings. They stoned Hamilton as he spoke in favor of the treaty. The press seethed with arguments for and against it, mostly against. There seems no doubt that at first the people opposed it, after a special session of the Senate by a bare two-thirds majority (20-10) ratified the document (June 22, 1795). Secretary of State Ran-

dolph secretly worked for its defeat, and had mysterious conversations about it with the French Minister, Fauchet, conversations in which money was mentioned. Washington found this out, through French despatches intercepted by the British, and handed over to Hamilton's successor and protégé, Oliver Wolcott. He dismissed Randolph, and in his place appointed a Federalist, Timothy Pickering. Washington's Cabinet was fully Federalist during the remainder of his Administration. The President and Hamilton (who remained a power in the Administration despite his retirement from the Treasury) were in absolute harmony of policy. The Republican opposition tried to block the treaty in the House of Representatives by refusing to appropriate the monies to put the several mixed commissions into effect. An historic debate took place. The appropriations passed by three votes, following a dramatic speech by the hypochondriacal Federalist, Fisher Ames. It is really possible for the lower house of Congress thus to block a treaty which has been fully ratified by the Senate and President. This possibility has sometimes made negotiators more amenable to the feelings of the House of Representatives, but no treaty has yet been broken down in this way.

2. RELATIONS WITH SPAIN: THE PINCKNEY TREATY, OCTOBER 27, 1795

Ten days before the final negotiation of Jay's Treaty, President Washington dispatched Thomas Pinckney, resident Minister in London, on a special mission to Madrid. The purpose of his trip was to iron out difficulties with Spain over the Florida boundary and the navigation of the Mississippi River. Spain owned the land on both banks of the Mississippi for the last two hundred miles, making her a potential danger to the outlet of western commerce. The United States considered it essential to obtain free navigation of the Mississippi, as well as to have the right of deposit at New Orleans. The Pinckney Treaty achieved these aims and the Spanish conspiracy which had been fostered in the Southwest collapsed. Following are the principal terms of the treaty.*

ART. I. THERE shall be a firm and inviolable peace and sincere friendship between His

* William M. Malloy, comp. and ed., *Treaties, Conventions, International Acts, Protocols, and Agreements Between the United States of America and Other Powers* (Washington, 1910), II, pp. 1640 ff.

Catholic Majesty, his successors and subjects, and the United States, and their citizens, without exception of persons or places.

ART. II. To prevent all disputes on the subject of the boundaries which separate the territories of the two high contracting parties, it is hereby declared and agreed to as follows, to wit. The southern boundary of the United States, which divides their territory from the Spanish colonies of East and West Florida, shall be designated by a line beginning in the River Mississippi, at the northernmost part of the thirty-first degree of latitude north of the equator, which from thence shall be drawn due east to the middle of the River Apalachicola, or Catahouche, thence along the middle thereof to its junction with the Flint: thence straight to the head of St. Mary's river, and thence down the middle thereof to the Atlantic ocean. . . .

ART. IV. It is likewise agreed that the western boundary of the United States which separates them from the Spanish colony of Louisiana, is in the middle of the channel or bed of the River Mississippi, from the northern boundary of the said states to the completion of the thirty-first degree of latitude north of the equator. And His Catholic Majesty has likewise agreed that the navigation of the said river, in its whole breadth from its source to the ocean, shall be free only to his subjects and the citizens of the United States, unless he should extend this privilege to the subject of other Powers by special convention.

ART. V. The two high contracting parties

shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the country adjacent to the lines and rivers, which, by the preceding articles, form the boundaries of the two Floridas. . . .

And whereas several treaties of friendship exist between the two contracting parties and the said nations of Indians, it is hereby agreed that in future no treaty of alliance, or other whatever (except treaties of peace,) shall be made by either party with the Indians living within the boundary of the other, but both parties will endeavour to make the advantages of the Indian trade common and mutually beneficial to their respective subjects and citizens, observing in all things the most complete reciprocity. . . .

ART. XXII. . . And in consequence of the stipulations contained in the IV. article, His Catholic Majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandizes and effects in the port of New-Orleans, and to export them from thence without paying any other duty than a fair price for the hire of the stores, and His Majesty promises either to continue this permission, if he finds during that time that it is not prejudicial to the interests of Spain, or if he should not agree to continue it there, he will assign to them, on another part of the banks of the Mississippi, an equivalent establishment. . . .

THOMAS . PINCKNEY,

EL PRINCIPE DE LA PAZ

III

The Genêt Episode

THE SETTLEMENT OF IMPORTANT QUESTIONS with England was partly responsible for strained relations between the United States and France after 1795. Difficulties with the American ally, France, commenced in 1793, shortly after the French minister Edmond Charles Genêt arrived, but they became much more serious after the news of Jay's Treaty reached Paris in the summer of 1795. France resented the Anglo-American settlement and relations with America grew steadily worse. The X Y Z affair of 1797 was a sample of the shabby way in which France treated the United States. Americans now became thoroughly aroused and an undeclared naval war followed. A change in the French government was the

signal for a new agreement. The Convention of 1800 which formally abrogated the Treaty of 1778 and released France from spoliation claims ended the unpleasant relations.

1. THE GENÈT EPISODE

Early in April, 1793, the United States learned that France was at war with England and Spain. On April 22, Washington issued a proclamation warning Americans not to become involved in these European wars. Neutrality was to be the policy of the United States. But the new French minister, Edmond Charles Genêt, hoped to get some American aid for France. Genêt's unneutral activities brought a demand for his recall. Thomas A. Bailey, in his Diplomatic History of the American People,⁷ has presented an interesting account of the French diplomat's activities in the United States.

THE NEUTRALITY POLICY of Washington was given its severest test by the conduct of the first minister from the new French republic, Citizen Edmond Genêt. Although not yet thirty years of age, Genêt had behind him a remarkable record of intellectual achievement and diplomatic experience. But unfortunately he lacked balance and sound judgment. Aflame with enthusiasm for the ideals of the French Revolution, ardent, impulsive, passionate, and hotheaded, he was all sail and no anchor.

Genêt reached Charleston early in 1793. There he was received with a wild enthusiasm that would have turned the head of an even less excitable man. Although he could not act in an official capacity until he had presented his credentials to the national government in Philadelphia, he was so carried away by the plaudits of the masses as to engage immediately in various activities. In disregard of American neutrality, he sent out French privateers from Charleston, which returned with British prizes, some of them taken within the three-mile limit. He also initiated negotiations with a number of American frontier leaders, notably the disgruntled George Rogers Clark, looking toward an attack upon the territory of Spain in Florida and Louisiana. It will be remembered that from 1793 to 1795 Spain was fighting against France on the side of England.

⁷ Thomas A. Bailey, *A Diplomatic History of the American People*, Fourth Edition (New York: Appleton-Century Crofts, Inc., 1950), pp. 74-78. Copyright, 1950, by Appleton-Century Crofts, Inc. Used by permission of the publishers.

The enthusiastic French envoy might have proceeded to Philadelphia by any one of three routes: by sea, by land up the coast, or by land through the back country. Whether by accident or design, he chose the back country route, the one that best lent itself to his purposes. The people in this region were small farmers who favored the democratic, pro-French, Republican party and opposed the aristocratic, pro-British, Federalist party. It is no wonder, then, that Genêt's leisurely journey through the back country was one long ovation. The trip to Philadelphia, which might have been made in less than a week, was dragged out over twenty-eight days, to the accompaniment of salvos of artillery, fraternal embraces, and frantic cheering.

The streets of the Quaker City throbbed with fanatical crowds as Genêt was welcomed to the nation's capital. At a banquet (four dollars a plate) the passionate diplomat thrilled the diners by singing a French fighting song. Throughout the city wild toasts were drunk to the guillotine, and showers of fiery poems descended upon the youthful minister. As one contemporary later exclaimed:

... Can it ever be forgotten, what a racket was made with the citizen Genêt? The most enthusiastic homage was too cold to welcome his arrival; and his being the first minister of the infant republic . . . was dwelt upon, as a most endearing circumstance. What hugging and tugging! What addressing and caressing! What mountebanking and chanting! with liberty caps, and the other wretched trumpery of *sans culotte* foolery!

WHOM THE GODS WOULD DESTROY

Shortly before arriving at Philadelphia, Genêt learned of the Neutrality Proclamation. He was profoundly shocked, though not disillusioned. His roaring reception had convinced him that American opinion overwhelmingly favored intervention on the side of France, and he did not believe that the proclamation correctly represented the popular will. The Francophile editors agreed with the excitable Frenchman, one of them exulting:

Thanks to our God, the sovereignty still resides with THE PEOPLE and that neither proclamations

nor royal demeanor and state can prevent them from exercising it. Of this the independent freemen of this metropolis [Philadelphia] gave a striking example in their reception of Mr. Genêt.

In due season the annoyed Genêt presented himself to Washington. He may possibly have expected the President to kiss him resoundingly on both cheeks, after the French fashion, and call him "Citizen." But Washington, always dignified and never effusive, was deeply displeased with Genêt's demagoguery and with the assumption of his ministerial functions. It is not surprising that the President's few remarks were severely formal — a reception that seemed all the more chilling when contrasted with the warmth of the populace. Genêt's displeasure was further heightened when he noticed medallions of the recently beheaded Louis XVI and his ill-starred family on the walls of the reception room. The impulsive plenipotentiary left in anger, convinced that "this old man" was not what history painted him and that he was an enemy of liberty. Genêt even attributed the President's frigidity to jealousy over his own popular reception, going so far as to report, "old Washington envies me my success."

The continued acclaim of the masses only strengthened the French envoy in his conviction that Washington was not faithfully interpreting the public will. Crowds of Francophiles damned the President for his coolness toward the French alliance, and accused him of seeking a crown and of trying to pass himself off as an honest man. Genêt admitted that one of these published attacks was the work of his own private secretary. Maddened Francophiles even went so far as to print woodcuts of the President being guillotined. In later years John Adams, Vice-President in 1793, reminisced to Thomas Jefferson:

You certainly never felt the terrorism excited by Genêt, in 1793, when ten thousand people in the streets of Philadelphia, day after day, threatened to drag Washington out of his house, and effect a revolution in the government, or compel it to declare war in favor of the French revolution and against England.

Adams went on to say — probably with exaggeration — that he was informed by many of the "coolest" heads in Philadelphia that nothing but the terrible epidemic of yellow fever which broke out at this time "could have saved the United States from a fatal revolution of government." Yet in the midst of all this uproar, Wash-

ington remained cool and unperturbed, determined not to be swayed from sound policy by the clamor of a rabble aroused by foreign agents.

It is not surprising that Genêt was the storm center of American politics from the time of his arrival in Philadelphia until his departure. He fitted out fourteen privateers, which swarmed from American ports and brought back, under the very nose of the national government, over eighty prizes, some of them taken within American waters. John F. Watson later recorded his childhood memories:

I remember with what joy we ran to the wharves at the report of cannon to see the arrivals of the Frenchmen's prizes, — we were so pleased to see the British union down! When we met French mariners or officers in the streets, we would cry "Vive la Republique." Although most of us understood no French, we had caught many national airs, and the streets, by day and night, resounded with the songs of boys, such as these: "Allons, enfans de la patrie, le jour de gloire est arrivé. . . ." It was a time, when, as it seems to me, that Philadelphia boys usurped the attributes of manhood; and the men, who should have chastened us, had themselves become very puerile!

The privateering enterprises in which Genêt engaged appear to have been flagrant violations of the neutrality of the United States. But offenders haled before the bar were freed by pro-French jurors. Public opinion was stronger than law. The British minister lodged strongly worded protests against America's unneutral conduct, and Secretary Jefferson made the appropriate representations to Genêt. The latter indignantly accused the American Secretary of State of hunting up excuses "in the dusty tomes of Vattel and Grotius." "I thank God," the French emissary exulted, "I have forgot what these hired jurisprudists have written."

The notes of the scatterbrained Genêt became more insistent, and his conduct more indiscreet and arrogant. Jefferson obtained from him what appeared to be a promise that the British vessel, *Little Sarah*, which the French had recently captured, would not be sent to sea as a privateer. Yet a few hours later she slipped down the Delaware River to begin a career of destruction. Washington and Jefferson were both furious. Such defiance of the government was even turning the Francophiles against the French minister. Jefferson, who perceived that Genêt was proving to be a Jonah, wrote to Madison in alarm, "he will sink the Republican interest if they do not abandon him."

Genêt finally overreached himself. In a moment of fuming anger he threatened to appeal over the head of the cold and unresponsive government to the sovereign masses. Washington, oppressed by the heat of fetid, disease-ridden Philadelphia, exploded:

Is the minister of the French Republic to set the acts of this government at defiance *with impunity*? And then threaten the executive with an appeal to the people? What must the world think of such conduct, and of the government of the United States in submitting to it?

Excited throngs of Francophiles might vilify Washington, but when it came to an issue between him and a foreign minister sanity returned with a rush. The Federalists gleefully spread broadcast the news of Genêt's indiscretion, and their most caustic spokesman, William Cobbett, branded the Republicans as "bastard offspring of Genêt, spawned in hell, to which they will presently return." Everywhere French sympathizers were hushed and shamed, except for a few who attempted to condone Genêt's offense.

Washington's Cabinet met and unanimously agreed that the recall of Genêt should be demanded. A new faction had come into power in France, and they were eager to cut off the diplomatic career as well as the head of this *opéra bouffe* bungler, who, with all the cards in his favor, had stirred up an incalculable amount of ill will. But Washington, wisely declining to make a martyr of the fallen idol, refused to send Genêt back to France and almost certain death. The former minister (Hamilton called him a burned-out comet) retired to New York, where hand in hand with the daughter of Governor Clinton, he faced the altar instead of the guillotine.

2. THE X Y Z AFFAIR

When John Adams became president, he found Franco-American relations becoming rapidly worse. In an effort to ease the tension he sent John Marshall, Elbridge Gerry, and Charles Cotesworth Pinckney to France on a special mission. These commissioners were promptly humiliated by three of Talleyrand's aides, known as X, Y, and Z. The American reaction was hostile to French intrigues and an undeclared naval war resulted. Peace was restored by the Convention of 1800. John Spencer Bassett has described

American difficulties with France during this period in *The Federalist System*.⁸

THE THREE AMERICAN COMMISSIONERS arrived in Paris in October, 1797. The Directory ruled the nation, but Talleyrand was the French foreign minister. To him the envoys now brought their affairs; but his stay in America had not given him very pleasant notions of the people or of the government. He was closely associated with the rising power of Napoleon, who had begun to undermine the power of the Directory. An overbearing policy towards the smaller states of Europe was already adopted, and the Directory, corrupt to the core, had established the practice of taking bribes from whatever state or private interest could be benefited by its action. Talleyrand, therefore, thought that the arrival of the Americans would afford another opportunity to fill his own coffers; and after that was done he was prepared to open the game of diplomatic fence which he knew so well how to conduct.

His first move accorded with this purpose. He delayed a formal reception of the commissioners, as he might do under the pretext that it was necessary to determine what policy should be employed. In the mean time, three persons, designated later in the despatches as X, Y, and Z, called on the envoys as agents of the minister. They spoke of the difficulties to be overcome. The speech of Adams to Congress in May, 1797, they said, must be explained, and France would expect a large loan for public use. Then they suggested that a gift of two hundred and forty thousand dollars to the Directory would facilitate negotiations. The reply of the commissioners was positive. They were not authorized or disposed to give a bribe. They put the proposition aside as unworthy and went on to discuss the other terms. The United States, they said, were determined to be neutral, and to lend France money at this time would be to take part in the war. Then the agents tried to play on the fears of the envoys—let them remember the fate of Venice; let them consider that French diplomacy could reach even to the internal affairs of America, where it could throw the French party on the British party and change the character of the government. To this the reply was that France might possibly ravage our coasts, but

⁸ John Spencer Bassett, *The Federalist System* (New York: Harper & Brothers, 1906), pp. 230-239 and 250-251. Copyright, 1906, by Harper & Brothers; copyright, 1934, by Jessie Lwellin Bassett. Used by permission of the publisher.

that she could not destroy our nation as she had destroyed Venice. And thus with the bandying of words on each side the conversations were carried on till one day the agents cried out: "Gentlemen, you do not speak to the point. It is money; it is expected that you will offer money." To which the envoys replied that they had already answered that. "No," said X, "you have not; what is your answer?" "It is," said the Americans, "No, no; not a sixpence."

November 1 the envoys decided to deal no more with X, Y, and Z. They prepared a complete statement of our case against France and sent it to Talleyrand. The seizure of American ships, the embargo laid at Bordeaux, the operation of the Jay treaty on our treaties with France, and many more matters which we charged against that nation were all set down in the vigorous language of Marshall, who drew up the document. It made no impression on the Directory, but it served a good purpose when, a few months later, it was published in America.

Marshall's statement was submitted to Talleyrand about January 17, 1798. Two months later the minister replied. He summed up the French contentions and added some expressions of contempt. He said that we had purposely prolonged the misunderstanding and that we selected envoys known to be prejudiced against France. Why, he asked, did we not do as well by the public as we did by England when we sent Jay, a known partisan, to make a treaty? He had the hardihood to add, in closing his letter, that he desired to treat through Gerry alone. It was a vulgar way to dismiss the conferences, worthy of the crude but strong spirit of a government which knew little of the courtesy of that fine old French society which it had overwhelmed.

The commissioners now realized that all hope of success was gone. They protested that no one of them could take on himself to negotiate alone, and prepared to leave the country. Marshall's passports were given him grudgingly, and Pinckney, with some difficulty, got permission to remain for a while in southern France for the benefit of the health of his daughter.

Gerry was invited by Talleyrand to remain and continue communications; and disregarding the objections of his colleagues he accepted the invitation. He announced to the minister, however, that he would remain only as a private citizen. He was made to believe that France was about to declare war, and that his influence might be useful to prevent such a step. He was honest and patriotic, but his decision was highly

imprudent. It gave the French government ground to carry on its intrigue with the Republican party for influence, and was calculated to make them believe that America was divided on the question before it. Nothing but a united stand was worthy of our representatives. In the United States, Gerry's action was severely condemned; even Adams lost patience with him and ordered him to come home as quickly as possible. He was able to convince the president that he acted innocently, and posterity has been inclined to make allowances for him; but his conduct discredits him as a man of judgment.

Did the Directory desire war with America? All the evidence points to a negative answer; for war would merely deliver us into the arms of England, with our supplies of provisions and our active merchant marine. Talleyrand was not accustomed to muddle his diplomacy in order to gratify his prejudices. His real purpose was probably to frighten the Americans into a relinquishment of the newly formed connection with England, to help the Republicans get into power, and, by leaving the French privateers to continue their depredations on our commerce, to draw into his own hands a large supply of provisions. It did not displease him that the losses of Americans on this score would fall chiefly upon that part of the American people who were staunchly Federalist. For all her bluster, France took no steps towards war.

In the mean time, public opinion in America awaited the results of the negotiations. Congress went languidly through the routine of the session. Measures of defence and money bills were contemplated, but nothing could be decided till news came from France. December passed without news, and then January came and went. With February men began to breathe more easily — no news, they said, was good news, for if the prospect were not favorable the envoys would have found some way of letting it be known. Then March came. On the 4th, Adams received despatches covering events up to the first of the year. A hasty examination showed that they were unfavorable. Without waiting for a full translation, he sent, on the next day, a message to Congress giving an indication of what might be expected.

Developments now strengthened in a striking manner the hands of the war party. Pickering, at the head of the cabinet circle, wanted an immediate declaration, and was only restrained by the argument that such a step would endanger the lives of our commissioners still in

France. But Adams remained self-possessed. To ask for a bribe, and otherwise to insult our representatives, was highly humiliating, but it violated no interest in whose behalf a weak nation would be warranted in beginning a burdensome war. It was for us, and so Adams thought, to wait for France to declare the war, and to accept it as a brave people, if she chose to bring it on. In the mean time, we ought to be preparing for hostilities. In these views Adams was supported by Hamilton, who was in close touch to moderate the spirit of the cabinet.

Congress and the country were deeply impressed by the turn affairs had taken. The Federalists pressed confidently for additions to the navy and army, and the Republicans were in terror lest in the excitement of the moment the Federalists should get all they wanted. Jefferson proposed to adjourn till passions were cooled, but his voice was not heard above the commotion. Adams's recommendations he called an "insane message." Then the Republicans challenged the correctness of the message, and Congress asked to see the correspondence. Adams complied on April 3, withholding only the names of the agents who had dealt with the envoys, for which he substituted the letters X, Y, and Z. Even the Federalists, when all was revealed, were astonished at the insulting conduct of Talleyrand. They voted to publish the whole correspondence, and soon the country was in a flame of indignation comparable only to that which had greeted the Jay treaty. Adams had managed the affair with ability and temper, and the people recognized it. In one of his messages to Congress he said, "I will never send another minister to France without assurances that he will be received, respected, and honored as the representative of a free, powerful, and independent nation." This sentiment exactly expressed the feelings of the country. In Congress the moderates came to his support, and both Houses were safely committed to any policy of vigor which he would recommend. The Republicans became discouraged, and some of them went to their homes in order to do what they could to resist the tide of Federalism that was sweeping over the land.

Twenty acts were passed between March 27 and July 16, 1798, for strengthening the national defence. One of them established a navy department, at the head of which Benjamin Stoddert, of Maryland, was placed; others provided for equipping the three new frigates, and for purchasing or building twelve armed vessels and

ten galleys. Adams had already removed the restriction on the arming of merchant vessels; and Congress now gave them the right to defend themselves, and empowered the president to allow the national ships to take French vessels which interfered with our commerce. Under these rules it was possible for United States ships to take French privateers and even vessels of war without a formal declaration of war. Congress also, to the great joy of many Federalists, on July 7, 1798, repealed the existing treaties with France. No longer were we bound by treaty in a defensive alliance with a European power.

Among measures of defence were bills to enlarge the army. A new regiment of artillery was authorized, and the president was given authority to enlist for three years ten thousand volunteers. Hamilton had hoped that the number would be twenty thousand; but the antipathy for a permanent army was so great that his plans could not be realized.

The ships of the new navy were soon at sea. In December they numbered fourteen men-of-war properly armed, and eight converted merchant-men. Some of them were small, but most of them were fast and well manned. They were well able to deal with the French privateers; and the frigates, the pride of the fleet, showed that they could meet successfully ships of equal size from the French navy. Squadrons were stationed in the West Indies, where our commerce suffered most, with orders to seize privateers wherever found.

While on this service the *Constellation*, commanded by Captain Thomas Truxton, fell in with the French frigate *L'Insurgente* on February 9, 1799. Truxton gave chase boldly; the Frenchman tried to escape, but finding that impossible, came to, raised the tricolor, and offered battle. The *Constellation* outmaneuvered the *L'Insurgente*, kept her in an unfavorable position, and after a hot fight of an hour and a quarter forced her to surrender. The French captain was under orders not to fire on the American flag, and had avoided the fight as long as possible. When he came aboard the *Constellation* he cried: "Why have you fired on the national flag? Our two nations are at peace." But Truxton only replied, "You are my prisoner." The American people received the news with great satisfaction. The *L'Insurgente* had made many annoying seizures of American merchant-men, and it was good to think that vengeance had been satisfied.

Other engagements followed this. In February,

1800, the *Constellation* fought a drawn battle with the French ship *La Vengeance*, of slightly superior size; in October, 1800, the *Boston* captured the *Berceau*, and in the same year Lieutenant Isaac Hull daringly cut a handsome new privateer out of a port in Santo Domingo. This period of retaliation lasted for two and a half years and cost France eighty-four vessels, most of which were privateers. The part taken in it by our navy was very creditable. It aroused enthusiasm at home and won respect abroad. The patience with which France bore our sharp resistance shows how little she was inclined to war. . . .

When the envoys met in Paris a change had occurred in the French government. The strong hand and wise head of Napoleon had replaced the corrupt and foolish Directory. The policy of nursing a French interest in America, which for seven years had been followed by Republican leaders in Paris, was now abandoned. The relations between the two nations were put upon the grounds of national dignity and national interests. No trouble was discovered in making such an agreement as secured neutrality and reasonable protection to commerce. When Davie returned late in 1800 with the completed treaty

he was received with satisfaction. The Republicans were pleased because it brought assurances of peace with France. The Federalists found in it the consolation that the old treaties of 1778 were superseded. It was, in fact, a blessing that we had peace, and that we were no longer bound to another nation by so embarrassing an arrangement as our old French alliance; but the repeal of the old treaty cost us the spoliation claims, for Napoleon insisted that both should stand or fall together. The Senate hesitated: it ratified for eight years, and reserved our right to indemnity; but the matter was prolonged till the Federalists were out of office, and December 19, 1801, the treaty was ratified with indemnity left out. The claims have never been paid by France.

As for Adams, he probably saved the country from war, and possibly from a train of international dissensions through the machinations of Hamilton. He thought that this was his best public service, and long afterwards said that he desired no other epitaph than this: "Here lies John Adams, who took upon himself the responsibility of peace with France in the year 1800."

IV

The Alien and Sedition Acts

THE BITTER ANTI-FEDERALIST ATTACKS made by foreigners and Republicans during the difficulties with France prompted the Federalists to pass the Alien and Sedition Acts. One of the main purposes of the laws was to quiet political opponents. Republican reaction to this legislation was expressed in the Virginia and Kentucky Resolutions. Professor John Spencer Bassett has discussed these acts in his book, *The Federalist System*.⁹

WHILE THE ATTENTION of the public was so largely directed, in the years 1797 and 1798, to warlike measures, purely political affairs of much importance were happening. The predominance of the Federalists in Congress and in the country suggested to the leaders of the party that they

⁹ John Spencer Bassett, *The Federalist System* (New York: Harper & Brothers, 1906), pp. 252-260. Copyright, 1906, by Harper & Brothers. Copyright, 1934, by Jessie Lwellin Bassett. Used by permission of the publisher.

might do what they pleased. It was a temptation of power to which the wisest of them yielded. Their idea that government should be in the hands of the capable classes might now for the first time in the history of the new government be put into operation. To those who held this theory it seemed also that never before had there been such a need for the operation of the theory. Never before had officials been so profanely denounced. To make matters worse,

much of the abuse was uttered by foreigners, and since war with France was imminent it was concluded that these aliens were but agents of that nation. Most of the nations of the world had laws against seditious libels, and England in 1793 had made severe restriction in that respect.

It was arguments like these which induced the Federalists to conclude that the government ought to restrict the political activity of aliens and to punish the ranters who made false charges and who intended to degrade in public opinion the highest officers in the land. . . .

To people who had been accustomed to the formal dignity of colonial and Revolutionary government, the crude campaigning of the day was very distasteful. It was an offence that a number of the most active pamphleteers were men who had recently come to America, some of them being Frenchmen, as Collot and Volney, while some others were Englishmen who had been forced to leave England on account of their republicanism. Of the latter were Dr. Priestley, Thomas Cooper, William Cobbett, and the elder Gales. That such men, aliens as they were, should be converted in the twinkling of an eye into champions of American liberty seemed a little too much for those who remembered the sacrifices of the Revolution.

A still more glaring offence was the great extravagance of partisan denunciation. About six weeks before the passage of the sedition act, Chief-Justice McKean, of Pennsylvania, an ardent Republican, described this abuse in his charge in the case against Cobbett as follows: "Every one who has in him the sentiments of either a Christian or a gentleman, cannot but be highly offended at the envenomed scurrility that has raged in pamphlets and newspapers, printed in Philadelphia for several years past, inasmuch that libelling has become a kind of national crime, and distinguishes us not only from all the states around us, but from the whole civilized world. Our satire has been nothing but ribaldry and Billingsgate: the contest has been, who could call names in the greatest variety of phrases, who could mangle the greatest number of characters; or who could excel in the magnitude and virulence of their lies. Hence the honor of families has been stained; the highest posts rendered cheap and vile in the sight of the people, and the greatest services and virtue blasted."

It was the Federalists who undertook to right matters by law, and in doing so they carried injustice far beyond the limits reached by the scribblers. They decided to deal with the politi-

cal aliens and to stop the publication of seditious libels. Three principal measures grew out of this determination.

First they took up the question of naturalization. A law of 1795 had given this privilege to aliens resident in the country for five years. Some of the Federalists would have withdrawn the process altogether; but the Constitution used such words in giving Congress the power that it was doubtful if such a position could be maintained. The best they could do, therefore, was to fix the requirement at a long term. It was enacted on June 18, 1798, that fourteen years of residence and a declaration of intention five years before the application should be necessary to naturalization; but the law was not to apply to those who had already arrived in the country. This drastic law was repealed in 1802, when the old law of 1795 was essentially re enacted.

The law was passed while the country was in a ferment of excitement over the publication of the X, Y, Z papers. Just as it was finally approved, Marshall arrived from France with his hands filled with the fuel for a great popular conflagration, and declaring that France would soon announce war. The Federalists felt strong enough for anything, and they proceeded to devise a means of dealing with the objectionable aliens already in the country. Two laws were passed, one applying to aliens in time of peace, and one to enemy aliens in time of war. By the former the president was given the power to order out of the country any alien whom he thought dangerous to the public peace or whom he had reasonable grounds to suspect of plotting against the government. If an alien did not obey the law he might be imprisoned for three years, and if he returned after leaving he was to be imprisoned at the will of the president. The enemy alien act gave the president the power in a state of war to arrest, imprison, and banish all enemy aliens whom he might think dangerous. The worst feature of these laws was the extent of the power that they left to the president. "The poor aliens," as the Republicans called them, were placed at his mercy; but since they could have no standing in the courts, it was necessary to create some authority for the enforcement of the law, and Congress considered that the president, through his marshals, could best execute it. Like the sedition law, it was a temporary measure, passed in view of the expected war, and in its own terms was limited to two years duration. Many Frenchmen left the country in anticipation of the law; and we may

believe that it was chiefly planned *in terrorem*, for in not a single case was it applied.

The sedition act, which was carried through Congress a little behind the alien acts, was intended to deal with citizens who too severely criticised the government. Like the alien acts, it originated in the Senate, where Federalism was most rampant. In its original form it was made illegal to justify the present attitude of France, or to imply that the administration acted contrary to the Constitution or to the liberties and happiness of the people. Twelve out of a possible thirty-two senators voted for this feature of the bill. In its final shape it was made a high misdemeanor "unlawfully to combine and conspire" in order to oppose the legal measures of the government, or in order to prevent a federal officer from executing his office, or with such purpose "to commit, advise, or attempt to procure any insurrection, riot, or unlawful assembly, or combination." The penalty was to be a fine not exceeding five thousand dollars and imprisonment not exceeding five years. To publish a false or malicious writing against the government of the United States, the president, or Congress, with the purpose of stirring up hatred or resistance against them, or to incite any foreign nation to war against the United States, was made a misdemeanor punishable by fine of not more than two thousand dol-

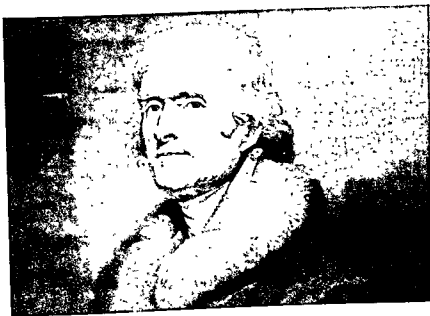
lars and imprisonment not longer than two years. The accused was allowed the benefit of trial, and the majority consented with reluctance to allow him to prove the truth of the words charged as seditious. The latter concession, however, was largely nullified by the fact that he could not prove his charges without going into an elaborate investigation of the conduct of the officials, and also by the fact that he could not summon the high officers of the government for witnesses or demand public documents.

Of all the Federalist leaders, only Marshall opposed these bills openly. His legal mind could not approve this violation of natural rights, an attitude for which he was soundly denounced by the New England Federalists. Cabot thought he had much to learn about practical government, and Goodhue said that he had degraded himself. Marshall had already begun to separate from this extreme wing of his party.

The Republicans held that the sedition law was unconstitutional because the federal courts had jurisdiction over those crimes only which were mentioned in the Constitution; they declared that these courts had by the Constitution no common-law jurisdiction, and they thought that this attempt to assume one was a dangerous advance in consolidating the federal government.

Chapter Seven

Jeffersonian Republicanism



Thomas Jefferson

THE ELECTION OF THOMAS JEFFERSON to the presidency in 1800 did not represent a revolution, or even a radical change, as Jefferson liked to believe in later years. The Virginia Republican did, indeed, differ markedly from the Federalists, represented by Hamilton and John Adams, in political, social, and economic views. But his theories were one thing, his practice something else.

Jefferson made little effort to upset the Federalist structure constructed by Hamilton and his friends. He did not attack property qualifications for voting and office holding. He did not attempt to destroy the First United States Bank which he had opposed so vigorously a few years before. And although he distrusted a strong centralized government advocated by the Federalists, Jefferson did little to check the growing centralization. Hamilton had favored, and helped put into effect, policies which would benefit the merchants, moneylenders, and other representatives of the upper economic order. He favored industrialization as a means of strengthening the nation and increasing the wealth. Jefferson

avored policies which would preserve a United States consisting mostly of freehold farmers, but even during his administration industrialization gained a firm foothold.

The so-called Revolution of 1800 was little more than a transfer of the government from the hands of the commercial and financial groups to those of upper class agrarians. None the less, Jefferson and his party had widespread support among the common people of his day, particularly the farmers. His agrarian philosophy, which emphasized the virtues of an agricultural economy, was popular among all classes of farmers whether they were backwoodsmen or the owners of large southern plantations.

While Jefferson did not reverse the policies of the Federalists, national powers were used more sparingly during his administrations. The Alien and Sedition Acts were allowed to die, Hamilton's tax on whiskey was repealed, economy in government was enforced, and an attempt was made to curb the powers of the federal courts. Official social life in the nation's capital also became more informal and democratic.

I

The Political Thought of Thomas Jefferson

ALTHOUGH JEFFERSON was less democratic in practice than in theory, it is important to know what he believed. Few men of his day possessed such intellectual power. He was one of America's greatest political philosophers, and his ideas, so clearly expressed, have served as a basis for democratic ideals and development. In his *History of American Political Thought* Raymond G. Gettell has summarized Jeffersonian political philosophy which has had such a marked influence on American political life.¹

THE CENTRAL FIGURE in the early democratic movement in America was Thomas Jefferson. He came into prominence as the author of the Declaration of Independence, was the unquestioned leader of the Republican party, and furnished the political doctrines which were widely accepted during his life and canonized after his death. His theories were not combined in any single treatise, but were stated in numerous pamphlets and official documents and in voluminous correspondence with friends in America and in France. His influence was exerted mainly on the spirit of the people and on their attitude toward their institutions, and less on the institutions themselves. His fundamental political principles were trust in the people and antipathy to strong government. These principles were somewhat contradictory, since the growth of democracy, with its confidence in the capacity of the masses, led the people to demand a constant extension of governmental activities. Jefferson's demand that government should be government for the people was converted into a demand of government by the people. His fear that government might deprive them of their liberty was replaced by a determination to make government serve and promote their interests. Hamilton believed in a strong government in the hands of a few; James Wilson favored a strong government resting on a broad basis of popular consent; Jefferson desired as little government as possible, but believed in popular control over such government.

Jefferson was by nature a radical and a reformer. In his own state he attacked the aristocratic system of entail and primogeniture and

opposed the established church; he drew up an elaborate plan for a public-school system, and prepared a civil and criminal code in which the severe penalties of the older law were abolished; he opposed slavery and prepared a visionary scheme of negro colonization. Many of his ideas and plans, in advance of the times, were gradually adopted. His abiding faith in the great mass of the people, and in the possibility of national progress, was the secret of his success as a great political leader, since it placed him in sympathy with the rising tide of popular desire and with the tendency of the times. Jefferson's ideas were not original. He admitted that he did not aim "to find out new principles or arguments never before thought of," but that his doctrines were intended to be "an expression of the American mind." They followed a line of thought already marked out during the English revolution by Sidney and Locke, whom Jefferson recommended when asked for advice on political literature. For the Greek philosophers, Jefferson had a low opinion. He referred to Plato's writings as worthless "jargon." He had little admiration for Montesquieu, because of his praise of the English system of government. Paine's *Rights of Man* he valued highly. His residence in France during the years when the storm of revolution was brewing and breaking exerted an important influence on his ideas. He had been a leader in the revolutionary movement in America and had proclaimed the equality of mankind. He sympathized with the efforts of the French people, and they "recognized him as one of themselves, a speculative thinker concerning the rights of mankind, a preacher of extreme doctrines of political freedom, a deviser of theories of government, a propounder of vague but imposing generalizations,

¹ Raymond G. Gettell, *History of American Political Thought* (New York: The Century Co., 1928), pp. 195-201. Used by permission of Appleton-Century-Crofts, Inc.

a condemner of the fetters of practicability—in a word, by the slang of that day, a 'philosopher'; and they liked him accordingly." Jefferson's ideas show the impress of French influence, especially in his preference of agriculture to commerce, in his belief in the value of periodic revolutions, and in his interpretation of the theory of social contract.

Jefferson accepted the prevalent belief in a state of nature, human equality, natural rights, government based upon contract, popular sovereignty, and the right of revolution. He held that in creating the compact by which civil society was formed, men did not give up any of their natural rights, but that they thereby rendered them secure. It was the duty of the state to enforce the natural rights of its citizens, but not to take any of them away. The state should limit its activity to preventing any one from encroaching upon the rights of others, and to judging in case of dispute. Jefferson was a firm believer in the policy of laissez-faire. He shared Rousseau's romantic view of the state of nature, and was inclined to believe that the first state of men, without government, was most desirable, if the society were not too large. He believed that the Indians, who lived without government, were happier than those who lived under the European monarchs.

Moreover, the social contract should be an actual and historical basis for the state, and not merely a philosophical justification for authority. The members of the state should give their actual consent, and the principle of the contract should be sacredly preserved in the life of the people. To accomplish this, Jefferson proposed two methods: revolution and periodical renewal of the agreement. Jefferson did not view government as something sacred and above criticism. He conceived of the government, not as a power outside of and above the people, but as the people itself acting in its political capacity. This necessitated the greatest possible diffusion of power among a progressively educated body of citizens, so that the evils arising in a democracy might be purified through the filter of public opinion. A jealous watch on their rulers was the only guarantee of freedom. Instead of abandoning "the detestable practice of electioneering" and "venerating the men of their former choice," as the Federalists preached, Jefferson wished to arouse the people to "an universal attention to the duty of election." Jefferson did not share in the growing worship of the Constitution. He did not "look at constitutions with

sanctimonious reverence and deem them like the ark of the covenant, too sacred to be touched." He believed that if the government failed to serve its proper purpose it should be overthrown, by revolution if necessary. He argued that rebellion is a medicine necessary to the health of government, and that republics should not be too severe in their treatment of rebellions, lest the free spirit of the people be crushed. It was better for the people to take up arms for their rights than to submit tamely to oppression. "God forbid," he said, in speaking of Shay's Rebellion, "that we should ever be twenty years without such a rebellion." He believed that it was necessary that "the tree of liberty must be refreshed from time to time with the blood of patriots and tyrants."

While revolution kept alive the free spirit of the people, nevertheless it acted through illegal channels, and was best suited to countries with a tyrannical government. In republics, Jefferson believed that it was possible to organize the government so as to make legal provision for periodical renewal of the contract. This could be done by holding frequent constitutional conventions for the purpose of reconsidering the organic law of the state and submitting proposals for change to the people. In this way the consent of the people to the government under which they lived could be actually given. He estimated that an interval of nineteen years was the proper period for which a constitution or law might be considered the will of the community, and that no society could make any rule or contract binding for a longer time. At the end of that period there should be an opportunity for revision. Jefferson believed that each generation should live under its own laws, and that as conditions changed, governmental institutions should be changed, and the consent of the governed be given anew. He opposed Madison's doctrine that the living owe a debt to the dead and give a "tacit consent" to the system founded by their ancestors. He believed that the living and not the dead should rule, and supported the principle that laws made by the legislature, rather than the Constitution, as interpreted by the Supreme Court, should be the final authority. The idea of a "frequent recurrence to fundamental principles" was often expressed.

Jefferson viewed monarchy and the principle of hereditary rule with an abhorrence almost equal to that of Paine. He declared that "no race of kings has ever presented above one man

of common sense in twenty generations." His favorite mode of attack upon his opponents was to accuse them of being monarchists. While Jefferson was generally regarded as the champion of human equality, because of his famous "all men are created equal," he was not a believer in the absolute equality of all men. He attacked bitterly the doctrine of John Adams that the people are divided into "gentlemen" and "simple men," and that the former should rule. Jefferson believed in a "natural aristocracy," but believed that it should be based upon virtue and talent, not upon birth and wealth. He believed "that form of government is the best which provides the most effectively for a pure selection of these natural *aristoi* into the offices of government"; but he believed that these natural rulers should be chosen by popular election, through the free choice of an intelligent citizen body.

Jefferson laid great stress on the principle of majority rule. He defined a republic as "a government by the citizens in mass, acting directly and personally, according to rules established by the majority." Again he wrote: "Absolute acquiescence in the rule of the majority, the vital principle of republics from which there is no appeal but to force." He believed that in affairs within their reach and competence the citizens should act in person, in others, through representatives chosen and removable by them. In his first inaugural address he laid down the principles which he believed should obtain in a democracy. These included equal and exact justice; jealous care of the right of election by the people; the rule of the majority; the preservation of the guaranties of civil liberty — such as freedom of religion, freedom of the press, habeas corpus, and trial by jury; the subordination of the military to the civil authority; and economical administration. He believed that democratic government must depend upon the "two hooks" of public education and local self-government. If government rests upon public opinion, that opinion must be intelligent and informed. He once said that he preferred newspapers without government to government without newspapers. He favored local government because of his dislike of centralized authority and of strong government. Strong and vigorous local authorities would give the people an opportunity to take part in person and would serve as checks on the despotic tendencies of a strong central authority.

As an intellectual theorist, Jefferson had no sympathy with the conservatism of the lawyers or with the doctrine of judicial checks on the

popular will. He had no veneration for the ancient common law of England, believing that it should be purged of outgrown elements and imbued with democratic sympathies. "Blackstone and Hume," he wrote, "have made Tories of those young Americans whose native feelings of independence do not place them above wily sophistries." In his later years, his fear of judicial encroachment grew acute and his writings display an outspoken hatred of the federal judiciary. As he saw Chief Justice Marshall nullifying popular will by judicial interpretation, he wrote: "The great object of my fear is the federal judiciary." "It is a very dangerous doctrine to consider the judges as the ultimate arbiters of all constitutional questions. It is one which would place us under the despotism of an oligarchy."

Jefferson associated a large standing army with monarchical power, and feared that it might become an instrument of oppression. Its cost was also contrary to his policy of governmental economy. He held that, in a free state, authority should rest upon public confidence and consent, not upon force; and that a well-trained militia was sufficient for defense. In general, Jefferson believed in the self-governing capacity of the mass of the people; and had a strong suspicion of government, especially if controlled by the few. He had confidence in the soundness of popular judgment and was hopeful of the future of democratic institutions. He believed that economic conditions in America favored democracy because the ownership of property, especially in land, was widespread. He was convinced that the failure to establish democracy in the European revolutions was due to the ignorance and turbulence of the mobs in the cities, and hoped that America would remain agricultural in order that it might remain soundly democratic. He believed that immigration should be restricted to stocks that could easily be assimilated, and that overpopulation should be avoided. Jefferson did not inquire deeply into the nature of the state or its forms of organization. His great work was to crystallize the growing democratic sentiment, to interpret popular feelings, and to give vivid statement to ideas that were rapidly becoming powerful. His ideas were in many respects in advance of his political practices, especially after his party came into power, but they gave a decided stimulus to the realization of democratic principles a generation later. . . .

II

Jefferson's Views on Industry and Agriculture

JEFFERSON BELIEVED that there was a close relationship between political democracy and public morals, and a society in which free farmers were predominant. He did not favor public policies which favored manufacturing, especially if they operated to the disadvantage of agriculture. In his *Notes On The State of Virginia* written in 1781, Jefferson presented his views on the virtues of agriculture and the dangers of manufacturing.² He later modified his economic position by supporting moderate industrial development, but he always remained friendly toward an economy in which independent farmers would predominate.

WE NEVER HAD AN INTERIOR TRADE of any importance. Our exterior commerce has suffered very much from the beginning of the present contest. During this time we have manufactured within our families the most necessary articles of clothing. Those of cotton will bear some comparison with the same kinds of manufacture in Europe; but those of wool, flax and hemp are very coarse, unsightly, and unpleasant; and such is our attachment to agriculture, and such our preference for foreign manufactures, that be it wise or unwise, our people will certainly return as soon as they can, to the raising raw materials, and exchanging them for finer manufactures than they are able to execute themselves.

The political economists of Europe have established it as a principle, that every State should endeavour to manufacture for itself; and this principle, like many others, we transfer to America, without calculating the difference of circumstance which should often produce a difference of result. In Europe the lands are either cultivated, or locked up against the cultivator. Manufacture must therefore be resorted to, of necessity, not of choice, to support the surplus of their people. But we have an immensity of land courting the industry of the husbandman. Is it best then that all our citizens should be employed in its improvement, or that one half should be called off from that to exercise manufactures and handicraft arts for the other? Those who labour in the earth are the chosen people of God, if ever he had a chosen people, whose breasts he has made his peculiar deposit for substantial and genuine virtue. It is the focus in

which he keeps alive that sacred fire, which otherwise might escape from the face of the earth. Corruption of morals in the mass of cultivators is a phaenomenon of which no age nor nation has furnished an example. It is the mark set on those, who not looking up to heaven, to their own soil and industry, as does the husbandman, for their subsistence, depend for it on casualties and caprice of customers. Dependence begets subservience and venality, suffocates the germ of virtue, and prepares fit tools for the designs of ambition. This, the natural progress and consequence of the arts, has sometimes perhaps been retarded by accidental circumstances; but, generally speaking the proportion which the aggregate of the other classes of citizens bears in any state to that of its husbandmen, is the proportion of its unsound to its healthy parts, and is a good enough barometer whereby to measure its degree of corruption. While we have land to labour then, let us never wish to see our citizens occupied at a workbench, or twirling a distaff. Carpenters, masons, smiths, are wanting in husbandry; but, for the general operations of manufacture, let our work-shops remain in Europe. It is better to carry provisions and materials to workmen there, than bring them to the provisions and materials, and with them their manners and principles. The loss by the transportation of commodities across the Atlantic will be made up in happiness and permanence of government. The mobs of great cities add just so much to the support of pure government, as sores do to the strength of the human body. It is the manners and spirit of a people which preserve a republic in vigour. A degeneracy in these is a canker which soon eats to the heart of its laws and constitution.

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III

The Republicans Come to Power

THOMAS JEFFERSON CONSIDERED his elevation to the presidency a revolution as real as that of 1776. To him, his election represented the growing power of democracy and republicanism against the monarchical tendencies of the Federalists. No one has yet surpassed Henry Adams in telling the story of Jefferson's inauguration. He describes Jefferson, his associates, and the ideas and ideals expressed by the new president with an insight and clarity seldom achieved in historical writing. To read Adams' account of "The Inauguration" in his *History of the United States* is the next best thing to having been in Washington on March 4, 1801.³

THE MAN WHO MOUNTED the steps of the Capitol, March 4, 1801, to claim the place of an equal between Pitt and Bonaparte, possessed a character which showed itself in acts; but person and manner can be known only by contemporaries, and the liveliest description was worth less than a moment of personal contact. Jefferson was very tall, six feet two-and-a-half inches in height; sandy-complexioned; shy in manner, seeming cold; awkward in attitude, and with little in his bearing that suggested command. Senator Maclay of Pennsylvania described him in 1790, when he had returned from France to become Secretary of State, and appeared before a Committee of the Senate to answer questions about foreign relations.

Jefferson is a slender man [wrote the Senator]; has rather the air of stiffness in his manner. His clothes seem too small for him. He sits in a lounging manner, on one hip commonly, and with one of his shoulders elevated much above the other. His face had a sunny aspect. His whole figure has a loose, shackling air. He had a rambling, vacant look, and nothing of that firm collected deportment which I expected would dignify the presence of a secretary or minister. I looked for gravity, but a laxity of manner seemed shed about him. He spoke almost without ceasing; but even his discourse partook of his personal demeanor. It was loose and rambling; and yet he scattered information wherever he went, and some even brilliant sentiments sparkled from him.

Maclay was one of the earliest members of the

Republican Party, and his description was not unfriendly. Augustus Foster, Secretary of the British Legation, described Jefferson as he appeared in 1804:

He was a tall man, with a very red freckled face, and gray neglected hair; his manners good-natured, frank, and rather friendly, though he had somewhat of a cynical expression of countenance. He wore a blue coat, a thick gray-colored hairy waistcoat, with a red under-waistcoat lapped over it, green velvet breeches with pearl buttons, yarn stockings, and slippers down at the heels—his appearance being very much like that of a tall, large-boned farmer. . . .

For eight years this tall, loosely built, somewhat stiff figure, in red waistcoat and yarn stockings, slippers down at the heel, and clothes that seemed too small for him, may be imagined as Senator Maclay described him, sitting on one hip, with one shoulder high above the other, talking almost without ceasing to his visitors at the White House. His skin was thin, peeling from his face on exposure to the sun, and giving it a tettered appearance. This sandy face, with hazel eyes and sunny aspect; this loose, shackling person; this rambling and often brilliant conversation, belonged to the controlling influences of American history, more necessary to the story than three-fourths of the official papers, which only hid the truth. Jefferson's personality during these eight years appeared to be the Government, and impressed itself, like that of Bonaparte, although by a different process, on the mind of the nation. In the village simplicity of Washington he was more than a

³ Henry Adams, *History of the United States of America* (New York: Charles Scribner's Sons, 1890), I, pp. 185-217.

king, for he was alone in social as well as in political preeminence. Except the British Legation, no house in Washington was open to general society; the whole mass of politicians, even the Federalists, were dependent on Jefferson and "The Palace" for amusement; and if they refused to go there, they "lived like bears, brutalized and stupefied."

Jefferson showed his powers at their best in his own house, where among friends as genial and cheerful as himself his ideas could flow freely and could be discussed with sympathy. Such were the men with whom he surrounded himself by choice, and none but such were invited to enter his Cabinet. First and oldest of his political associates was James Madison, about to become Secretary of State, whose character also described itself, and whose personality was as distinct as that of his chief. A small man, quiet, somewhat precise in manner, pleasant, fond of conversation, with a certain mixture of ease and dignity in his address, Madison had not so much as Jefferson of the commanding attitude which imposed respect on the world. . . .

The third aristocrat in this democratic triumph was Albert Gallatin, marked by circumstances even more than by the President's choice for the post of Secretary of the Treasury. Like the President and the Secretary of State, Gallatin was born and bred a gentleman; in person and manners he was well fitted for the Cabinet table over which Jefferson presided. Gallatin possessed the personal force which was somewhat lacking in his two friends. His appearance impressed bystanders with a sense of strength. His complexion was dark; his eyes were hazel and full of expression; his hair black, and like Madison he was becoming bald. From long experience, at first among the Democrats of western Pennsylvania, and afterward as a leader in the House of Representatives, he had lost all shyness in dealing with men. His long prominent nose and lofty forehead showed character, and his eyes expressed humor. A slight foreign accent betrayed his Genevan origin. Gallatin was also one of the best talkers in America, and perhaps the best-informed man in the country; for his laborious mind had studied America with infinite care, and he retained so much knowledge of European affairs as to fit him equally for the State Department or the Treasury. Three more agreeable men than Jefferson, Madison, and Gallatin were never collected round the dinner-table of the White House; and their difference in age was enough to add zest to their friendship; for

Jefferson was born in 1743, Madison in 1751, and Gallatin in 1761. While the President was nearly sixty years old, his Secretary of the Treasury had the energy and liberality of forty.

Jefferson was the first President inaugurated at Washington, and the ceremony, necessarily simple, was made still simpler for political reasons. The retiring President was not present at the installation of his successor. In Jefferson's eyes a revolution had taken place as vast as that of 1776; and if this was his belief, perhaps the late President was wise to retire from a stage where everything was arranged to point a censure upon his principles, and where he would have seemed, in his successor's opinion, as little in place as George III would have appeared at the installation of President Washington. The collapse of government which marked the last weeks of February, 1801, had been such as to leave of the old Cabinet only Samuel Dexter of Massachusetts, the Secretary of the Treasury, and Benjamin Stoddert of Maryland, the Secretary of the Navy, still in office. John Marshall, the late Secretary of State, had been appointed, six weeks before, Chief-Justice of the Supreme Court.

In this first appearance of John Marshall as Chief-Justice, to administer the oath of office, lay the dramatic climax of the inauguration. The retiring President, acting for what he supposed to be the best interests of the country, by one of his last acts of power, deliberately intended to perpetuate the principles of his administration, placed at the head of the judiciary, for life, a man as obnoxious to Jefferson as the bitterest New England Calvinist could have been; for he belonged to that class of conservative Virginians whose devotion to President Washington, and whose education in the common law, caused them to hold Jefferson and his theories in antipathy. The new President and his two Secretaries were political philanthropists, bent on restricting the powers of the national government in the interests of human liberty. The Chief-Justice, a man who in grasp of mind and steadiness of purpose had no superior, perhaps no equal, was bent on enlarging the powers of government in the interests of justice and nationality. As they stood face to face on this threshold of their power, each could foresee that the contest between them would end only with life.

If Jefferson and his two friends were the most aristocratic of democrats, John Marshall was of all aristocrats the most democratic in manners and appearance.

"A tall, slender figure," wrote Joseph Story in 1808, "not graceful or imposing, but erect and steady. His hair is black, his eyes small and twinkling, his forehead rather low; but his features are in general harmonious. His manners are plain yet dignified, and an unaffected modesty diffuses itself through all his actions. His dress is very simple yet neat; his language chaste, but hardly elegant; it does not flow rapidly, but it seldom wants precision. In conversation he is quite familiar, but is occasionally embarrassed by a hesitancy and drawing. . . . I love his laugh, — it is too hearty for an intriguer; and his good temper and unwearied patience are equally agreeable on the bench and in the study."

The unaffected simplicity of Marshall's life was delightful to all who knew him, for it sprang from the simplicity of his mind. Never self-conscious, his dignity was never affected by his situation. Bishop Meade, who was proud of the Chief-Justice as one of his flock, being in a street near Marshall's house one morning between day-break and sunrise, met the Chief-Justice on horse-back, with a bag of clover-seed lying before him, which he was carrying to his little farm at seed-time. Simple as American life was, his habits were remarkable for modest plainness; and only the character of his mind, which seemed to have no flaw, made his influence irresistible upon all who were brought within its reach.

Nevertheless this great man nourished one weakness. Pure in life; broad in mind, and the despair of bench and bar for the unswerving certainty of his legal method; almost idolized by those who stood nearest him, and loving warmly in return, — this excellent and amiable man clung to one rooted prejudice: he detested Thomas Jefferson. He regarded with quiet, unspoken, but immovable antipathy the character and doings of the philosopher standing before him, about to take the oath to preserve, protect, and defend the Constitution. No argument or entreaty affected his conviction that Jefferson was not an honest man. "By weakening the office of President he will increase his personal power," were Marshall's words, written at this time; "the morals of the author of the letter to Mazzei cannot be pure." Jefferson in return regarded Marshall with a repugnance tinged by a shade of some deeper feeling, almost akin to fear. "The judge's inveteracy is profound," he once wrote, "and his mind of that gloomy malignity which will never let him forego the opportunity of satiating it on a victim."

Another person, with individuality not less marked, took the oath of office the same day. When the Senate met at ten o'clock on the morning of March 4, 1801, Aaron Burr stood at the desk, and having duly sworn to support the Constitution, took his seat in the chair as Vice-President. This quiet, gentlemanly, and rather dignified figure, hardly taller than Madison, and dressed in much the same manner, impressed with favor all who first met him. An aristocrat imbued in the morality of Lord Chesterfield and Napoleon Bonaparte, Colonel Burr was the chosen head of the Northern democracy, idol of the wards of New York city, and aspirant to the highest offices he could reach by means legal or beyond the law; for as he pleased himself with saying, after the manner of the First Consul of the French Republic, "Great souls care little for small morals." Among the other party leaders who have been mentioned, — Jefferson, Madison, Gallatin, Marshall, — not one was dishonest. The exaggerations or equivocations that Jefferson allowed himself, which led to the deep-rooted conviction of Marshall that he did not tell the truth and must therefore be dangerous, amounted to nothing when compared with the dishonesty of a corrupt man. Had the worst political charges against Jefferson been true, he would not have been necessarily corrupt. The self-deception inherent in every struggle for personal power was not the kind of immorality which characterized Colonel Burr. Jefferson, if his enemies were to be believed, might occasionally make misstatements of fact; yet he was true to the faith of his life, and would rather have abdicated his office and foregone his honors than have compassed even an imaginary wrong against the principles he professed. His life, both private and public, was pure. His associates, like Madison, Gallatin, and Monroe, were men upon whose reputations no breath of scandal rested. The standard of morality at Washington, both in private society and in politics, was respectable. For this reason Colonel Burr was a new power in the government; for being in public and in private life an adventurer of the same school as scores who were then seeking fortune in the ante-chambers of Bonaparte and Pitt, he became a loadstone for every other adventurer who frequented New York or whom the chances of politics might throw into office. The Vice-President wielded power, for he was the certain centre of corruption.

Thus when the doors of the Senate chamber

were thrown open, and the new President of the United States appeared on the threshold; when the Vice-President rose from his chair, and Jefferson sat down in it, with Aaron Burr on his right hand and John Marshall on his left, the assembled senators looked up at three men who profoundly disliked and distrusted each other. . . .

Only the north wing of the Capitol had then been so far completed as to be occupied by the Senate, the courts, and the small library of Congress. The centre rose not much above its foundations; and the south wing, some twenty feet in height, contained a temporary oval brick building, commonly called the "Oven," in which the House of Representatives sat in some peril of their lives, for had not the walls been strongly shored up from without, the structure would have crumbled to pieces. Into the north wing the new President went, accompanied by the only remaining secretaries, Dexter and Stoddert, and by his friends from the House. Received by Vice-President Burr, and seated in the chair between Burr and Marshall, after a short pause Jefferson rose, and in a somewhat inaudible voice began his Inaugural Address.

Time, which has laid its chastening hand on many reputations, and has given to many once famous formulas a meaning unsuspected by their authors, has not altogether spared Jefferson's first Inaugural Address, although it was for a long time almost as well known as the Declaration of Independence; yet this Address was one of the few State Papers which should have lost little of its interest by age. As the starting-point of a powerful political party, the first Inaugural was a standard by which future movements were measured, and it went out of fashion only when its principles were universally accepted or thrown aside. Even as a literary work, it possessed a certain charm of style peculiar to Jefferson, a flavor of Virginia thought and manners, a Jeffersonian ideality calculated to please the ear of later generations forced to task their utmost powers in order to carry the complex trains of their thought.

The chief object of the Address was to quiet the passions which had been raised by the violent agitation of the past eight years. Every interest of the new Administration required that the extreme Federalists should be disarmed. Their temper was such as to endanger both Administration and Union; and their power was still formidable, for they controlled New England and contested New York. To them, Jefferson turned:—

"Let us unite with one heart and one mind," he entreated; "let us restore to social intercourse that harmony and affection without which liberty and even life itself are but dreary things. And let us reflect, that, having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little if we countenance a political intolerance as despotic, as wicked, and capable of as bitter and bloody persecutions. During the throes and convulsions of the ancient world, during the agonizing spasms of infuriated man, seeking through blood and slaughter his long-lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore; that this should be more felt and feared by some than by others; that this should divide opinions as to measures of safety. But every difference of opinion is not a difference of principle. We are all Republicans, we are all Federalists.

The Federalist newspapers never ceased laughing as the "spasms" so suddenly converted into "billows," and at the orthodoxy of Jefferson's Federalism; but perhaps his chief fault was to belittle the revolution which had taken place. In no party sense was it true that all were Republicans or all Federalists. As will appear, Jefferson himself was far from meaning what he seemed to say. He wished to soothe the great body of his opponents, and if possible to win them over; but he had no idea of harmony or affection other than that which was to spring from his own triumph; and in representing that he was in any sense a Federalist, he did himself wrong.

"I know, indeed," he continued, "that some honest men fear that a republican government cannot be strong; that this government is not strong enough. But would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm, on the theoretic and visionary fear that this government, the world's best hope, may by possibility want energy to preserve itself? I trust not. I believe this, on the contrary, the strongest government on earth. I believe it is the only one where man, at the call of the laws, would fly to the standard of the law, and would meet invasions of the public order as his own personal concern. Sometimes it is said that man cannot be trusted with the government of himself. Can he then be trusted with the government of others? Or have we found angels in the forms of kings to govern him? Let history answer this question."

That the government, the world's best hope, had hitherto kept the country free and firm, in the full tide of successful experiment, was a startling compliment to the Federalist party, coming as it did from a man who had not been used to compliment his political opponents; but Federalists, on the other hand, might doubt whether this government would continue to answer the same purpose when administered for no other avowed object than to curtail its powers. Clearly, Jefferson credited government with strength which belonged to society; and if he meant to practise upon this idea, by taking the tone of "the strongest government on earth" in the face of Bonaparte and Pitt, whose governments were strong in a different sense, he might properly have developed this idea at more length, for it was likely to prove deeply interesting. Moreover, history, if asked, must at that day have answered that no form of government, whether theocratic, autocratic, aristocratic, democratic, or mixed, had ever in Western civilization lasted long, without change or need of change. History was not the witness to which Republicans could with entire confidence appeal, even against kings.

The Address next enumerated the advantages which America enjoyed, and those which remained to be acquired:—

"With all these blessings, what more is necessary to make us a happy and prosperous people? Still one thing more, fellow-citizens, — a wise and frugal government, which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities."

A government restricted to keeping the peace, which should raise no taxes except for that purpose, seemed to be simply a judicature and a police. Jefferson gave no development to the idea further than to define its essential principles, and those which were to guide his Administration. Except the Kentucky and Virginia Resolutions of 1798, this short passage was the only official gloss ever given to the Constitution by the Republican party; and for this reason students of American history who would understand the course of American thought should constantly carry in mind not only the Constitutions of 1781

and of 1787, but also the Virginia and Kentucky Resolutions, and the following paragraph of Jefferson's first Inaugural Address:—

"I will compress them," said the President, "within the narrowest compass they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations, entangling alliances with none; the support of the State governments in all their rights, as the most competent administrations for our domestic concerns and the surest bulwarks against anti-republican tendencies; the preservation of the general government in its whole Constitutional vigor, as the sheet-anchor of our peace at home and safety abroad; a jealous care of the right of election by the people, — a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided; absolute acquiescence in the decisions of the majority, — the vital principle of republics, from which there is no appeal but to force, the vital principle and immediate parent of despotism; a well-disciplined militia, — our best reliance in peace and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military authority; economy in the public expense, that labor may be lightly burdened; the honest payment of our debts, and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information, and arraignment of all abuses at the bar of public reason; freedom of religion, freedom of the press, and freedom of person under the protection of the *habeas corpus*; the trial by juries impartially selected; — these principles form the bright constellation which has gone before us and guided our steps through an age of revolution and reformation. The wisdom of our sages and the blood of our heroes have been devoted to their attainment; they should be the creed of our political faith, the text of civic instruction, the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety. . . ."

Among the cardinal points of republicanism thus proclaimed to the world was one in particular, which as a maxim of government seemed to contradict cherished convictions and the fixed practice of the Republican party. "Absolute acquiescence" was required "in the decisions of the

majority, — the vital principle of republics, from which there is no appeal but to force, the vital principle and immediate parent of despotism." No principle was so thoroughly entwined in the roots of Virginia republicanism as that which affirmed the worthlessness of decisions made by a majority of the United States, either as a nation or a confederacy, in matters which concerned the exercise of doubtful powers. Not three years had passed since Jefferson himself penned the draft of the Kentucky Resolutions, in which he declared "that in cases of an abuse of the delegated powers, the members of the general government being chosen by the people, a change by the people would be the Constitutional remedy; that every State has a natural right, in cases not within the compact, to nullify of their own authority all assumptions of power by others within their limits; that without this right they would be under the dominion, absolute and unlimited, of whosoever might exercise this right of judgment for them." He went so far as to advise that every State should forbid, within its borders, the execution of any act of the general government "not plainly and intentionally authorized by the Constitution"; and although the legislatures of Kentucky and Virginia softened the language, they acted on the principle so far as to declare certain laws of the United States unconstitutional, with the additional understanding that whatever was unconstitutional was void. So far from accepting with "absolute acquiescence" the decisions of the majority, Jefferson and his followers held that freedom could be maintained only by preserving inviolate the right of every State to judge for itself what was, and what was not, lawful for a majority to decide.

What, too, was meant by the words which pledged the new Administration to preserve the general government "in its whole Constitutional vigor"? The two parties were divided by a bottomless gulf in their theories of Constitutional powers; but until the precedents established by the Federalists should be expressly reversed, no one could deny that those precedents, to be treated as acts of the majority with absolute acquiescence, were a measure of the vigor which the President pledged himself to preserve. Jefferson could not have intended such a conclusion; for how could he promise to "preserve" the powers assumed in the Alien and Sedition laws, which then represented the whole vigor of the general government in fact if not in theory, when he had himself often and bitterly denounced

those powers, when he had been a party to their nullification, and when he and his friends had actually prepared to resist by arms their enforcement? Undoubtedly Jefferson meant no more than to preserve the general government in such vigor as in his opinion was Constitutional, without regard to Federalist precedents; but his words were equivocal, and unless they were to be defined by legislation, they identified him with the contrary legislation of his predecessors. In history and law they did so. Neither the Alien nor the Sedition Act, nor any other Federalist precedent, was ever declared unconstitutional by any department of the general government; and Jefferson's pledge to preserve that government in its full Constitutional vigor was actually redeemed with no exception or limitation on the precedents established. His intention seemed to be different; but the sweeping language of his pledge was never afterward restricted or even more exactly defined while he remained in power.

Hence arose a sense of disappointment for future students of the Inaugural Address. A revolution had taken place; but the new President seemed anxious to prove that there had been no revolution at all. A new experiment in government was to be tried, and the philosopher at its head began by pledging himself to follow in the footsteps of his predecessors. Americans ended by taking him at his word, and by assuming that there was no break between his ideas and those of President Washington; yet even at the moment of these assurances he was writing privately in an opposite sense. In his eyes the past was wrong, both in method and intention; its work must be undone and its example forgotten. His conviction of a radical difference between himself and his predecessors was expressed in the strongest language. His predecessors, in his opinion, had involved the government in difficulties in order to destroy it, and to build up a monarchy on its ruins. "The tough sides of our Argosie," he wrote two days after his inauguration, "have been thoroughly tried. Her strength has stood the waves into which she was steered with a view to sink her. We shall put her on her Republican tack, and she will now show by the beauty of her motion the skill of her builders." "The Federalists," said he at one moment, "wished for everything which would approach our new government to a monarchy; the Republicans, to preserve it essentially republican. . . . The real difference consisted in their different

degrees of inclination to monarchy or republicanism." "The revolution of 1800," he wrote many years afterward, "was as real a revolution in the principles of our government as that of 1776 was in its form."

Not, therefore, in the Inaugural Address, with its amiable professions of harmony, could President Jefferson's full view of his own reforms be discovered. Judged by his inaugural addresses and annual messages, Jefferson's Administration seemed a colorless continuation of Washington's; but when seen in the light of private correspondence, the difference was complete. So strong was the new President's persuasion of the monarchical bent of his predecessors, that his joy at obtaining the government was mingled with a shade of surprise that his enemies should have handed to him, without question, the power they had so long held. He shared his fears of monarchy with politicians like William B. Giles, young John Randolph, and many Southern voters; and although neither Madison nor Gallatin seemed to think monarchists formidable, they gladly encouraged the President to pursue a conservative and conciliatory path. Jefferson and his Southern friends took power as republicans opposed to monarchists, not as democrats opposed to oligarchy. Jefferson himself was not in a social sense a democrat, and was called so only as a term of opprobrium. His Northern followers were in the main democrats; but he and most of his Southern partisans claimed to be republicans, opposed by secret monarchists.

The conflict of ideas between Southern republicanism, Northern democracy, and Federal monarchism marked much of Jefferson's writing; but especially when he began his career as President his mind was filled with the conviction that he had wrung power from monarchy, and that in this sense he was the founder of a new republic. Henceforward, as he hoped, republicanism was forever safe; he had but to conciliate the misguided, and give an example to the world, for centralization was only a monarchical principle. Nearly twenty years passed before he woke to a doubt on this subject; but even then he did not admit a mistake. In the tendency to centralization he still saw no democratic instinct, but only the influence of monarchical Federalists "under the pseudo-republican mask."

The republic which Jefferson believed himself to be founding or securing in 1801 was an enlarged Virginia, — a society to be kept pure and free by the absence of complicated interests, by

the encouragement of agriculture and of commerce as its handmaid, but not of industry in a larger sense. "The agricultural capacities of our country," he wrote long afterward, "constitute its distinguishing feature; and the adapting our policy and pursuits to that is more likely to make us a numerous and happy people than the mimicry of an Amsterdam, a Hamburg, or a city of London." He did not love mechanics or manufactures, or the capital without which they could not exist. "Banking establishments are more dangerous than standing armies," he said; and added, "that the principle of spending money to be paid by posterity, under the name of funding, is but swindling futurity on a large scale." Such theories were republican in the Virginia sense, but not democratic; they had nothing in common with the democracy of Pennsylvania and New England, except their love of freedom; and Virginia freedom was not the same conception as the democratic freedom of the North. . . .

Henceforth, as Jefferson conceived, government might act directly for the encouragement of agriculture and of commerce as its handmaid, for the diffusion of information and the arraignment of abuses; but there its positive functions stopped. Beyond that point only negative action remained, — respect for States' rights, preservation of constitutional powers, economy, and the maintenance of a pure and simple society such as already existed. With a political system which would not take from the mouth of labor the bread it had earned, and which should leave men free to follow whatever paths of industry or improvement they might find most profitable, "the circle of felicities" was closed.

The possibility of foreign war alone disturbed this dream. President Washington himself might have been glad to accept these ideas of domestic politics, had not France, England, and Spain shown an unequivocal wish to take advantage of American weakness in arms in order to withhold rights vital to national welfare. How did Jefferson propose to convert a government of judiciary and police into the strongest government on earth? His answer to this question, omitted from the Inaugural Address, was to be found in his private correspondence and in the speeches of Gallatin and Madison as leaders of the opposition. He meant to prevent war. He was convinced that governments, like human beings, were on the whole controlled by their interests, and that the interests of Europe required peace

and free commerce with America. Believing a union of European Powers to be impossible, he was willing to trust their jealousies of each other to secure their good treatment of the United States. Knowing that Congress could by a single act divert a stream of wealth from one European country to another, foreign Governments would hardly challenge the use of such a weapon, or long resist their own overpowering interests. The new President found in the Constitutional power "to regulate commerce with foreign nations" the machinery for doing away with navies, armies, and wars. . . .

Immediately after the inauguration the new President explained his future foreign policy to correspondents, who, as he knew, would spread his views widely throughout both continents. In a famous letter to Thomas Paine, — a letter which was in some respects a true inaugural address, — Jefferson told the thought he had but hinted in public. "Determined as we are to avoid, if possible, wasting the energies of our people in war and destruction, we shall avoid implicating ourselves with the Powers of Europe, even in support of principles which we mean to pursue. They have so many other interests different from ours that we must avoid being entangled in them. We believe we can enforce those principles as to ourselves by peaceable means, now that we are likely to have our public counsels detached from foreign views." A few days later, he wrote to the well-known Pennsylvania peacemaker, Dr. Logan, and explained the process of enforcing against foreign nations "principles as to ourselves by peaceable means." "Our commerce," said he, "is so valuable to them, that they will be glad to purchase it, when the only price we ask is to do us justice. I believe we have in our own hands the means of peaceable coercion; and that the moment they see our government so united as that we can make use of it, they will for their own interest be disposed to do us justice. . . ."

That these views were new as a system in government could not be denied. In later life Jefferson frequently asserted, and took pains to impress upon his friends, the difference between his opinions and those of his Federalist opponents. The radical distinction lay in their opposite conceptions of the national government. The Federalists wished to extend its functions;

Jefferson wished to exclude its influence from domestic affairs:—

"The people," he declared in 1821, "to whom all authority belongs, have divided the powers of government into two distinct departments, the leading characters of which are foreign and domestic; and they have appointed for each a distinct set of functionaries. These they have made co-ordinate, checking and balancing each other, like the three cardinal departments in the individual States, — each equally supreme as to the powers delegated to itself, and neither authorized ultimately to decide what belongs to itself or to its coparcener in government. As independent, in fact, as different nations, a spirit of forbearance and compromise, therefore, and not of encroachment and usurpation, is the healing balm of such a Constitution."

In the year 1824 Jefferson still maintained the same doctrine, and expressed it more concisely than ever:—

"The federal is in truth our foreign government, which department alone is taken from the sovereignty of the separate States." "I recollect no case where a question simply between citizens of the same State has been transferred to the foreign department, except that of inhibiting tenders but of metallic money, and *ex post facto* legislation."

These expressions, taken together, partly explain why Jefferson thought his assumption of power to be "as real a revolution in the principles of our government as that of 1776 was in its form." His view of governmental functions was simple and clearly expressed. The national government, as he conceived it, was a foreign department as independent from the domestic department, which belonged to the States, as though they were governments of different nations. He intended that the general government should "be reduced to foreign concerns only"; and his theory of foreign concerns was equally simple and clear. He meant to enforce against foreign nations such principles as national objects required, not by war, but by "peaceable coercion" through commercial restrictions. "Our commerce is so valuable to them that they will be glad to purchase it, when the only price we ask is to do us justice. . . ."

IV

Jeffersonian Policies

IN HIS FIRST INAUGURAL ADDRESS President Jefferson dealt mostly with general principles. Once in power, however, it became necessary for him to deal with the specific problems of administration. Many of the matters with which Jefferson was concerned were made more serious by unsettled world conditions and the Napoleonic Wars.

1. DOMESTIC POLICIES

Among the domestic policies which Jefferson promoted were an adequate defense force, based largely on the state militias, lower taxes, economy in government, and shortening the residence period for naturalization. These and other problems were discussed in his first annual message to Congress in December, 1801.⁴

IT IS A CIRCUMSTANCE of sincere gratification to me that on meeting the great council of our nation I am able to announce to them on grounds of reasonable certainty that the wars and troubles which have for so many years afflicted our sister nations have at length come to an end, and that the communications of peace and commerce are once more opening among them. Whilst we devoutly return thanks to the beneficent Being who has been pleased to breathe into them the spirit of conciliation and forgiveness, we are bound with peculiar gratitude to be thankful to Him that our own peace has been preserved through so perilous a season, and ourselves permitted quietly to cultivate the earth and to practice and improve those arts which tend to increase our comforts. The assurances, indeed, of friendly disposition received from all the powers with whom we have principal relations had inspired a confidence that our peace with them would not have been disturbed. But a cessation of irregularities which had affected the commerce of neutral nations and of the irritations and injuries produced by them can not but add to this confidence, and strengthens at the same time the hope that wrongs committed on unoffending friends under a pressure of circumstances will now be reviewed with candor, and will be considered as founding just claims of

retribution for the past and new assurance for the future.

Among our Indian neighbors also a spirit of peace and friendship generally prevails, and I am happy to inform you that the continued efforts to introduce among them the implements and the practice of husbandry and of the household arts have not been without success; that they are becoming more and more sensible of the superiority of this dependence for clothing and subsistence over the precarious resources of hunting and fishing, and already we are able to announce that instead of that constant diminution of their numbers produced by their wars and their wants, some of them begin to experience an increase of population.

To this state of general peace with which we have been blessed, one only exception exists. Tripoli, the least considerable of the Barbary States, had come forward with demands unfounded either in right or in compact, and had permitted itself to denounce war on our failure to comply before a given day. The style of the demand admitted but one answer. I sent a small squadron of frigates into the Mediterranean, with assurances to that power of our sincere desire to remain in peace, but with orders to protect our commerce against the threatened attack. The measure was seasonable and salutary. The Bey had already declared war. His cruisers were out. Two had arrived at Gibraltar. Our commerce in the Mediterranean was blockaded and that of the Atlantic in peril. The arrival of our squadron dispelled the danger. One of the Tripolitan cruisers having fallen in with and engaged the small schooner *Enterprise*, commanded by Lieutenant Sterret, which had gone as a tender to our larger vessels, was captured, after a heavy slaughter of her men, without the loss of a single one on our part. The bravery exhibited by our citizens on that element will, I

⁴ James D. Richardson, ed., *Messages and Papers of the Presidents* (Washington, 1896), I, pp. 326-332.

trust, be a testimony to the world that it is not the want of that virtue which makes us seek their peace, but a conscientious desire to direct the *energies of our nation to the multiplication of the human race, and not to its destruction*. Unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense, the vessel, being disabled from committing further hostilities, was liberated with its crew. The Legislature will doubtless consider whether, by authorizing measures of offense also, they will place our force on an equal footing with that of its adversaries. . . .

I wish I could say that our situation with all the other Barbary States was entirely satisfactory. Discovering that some delays had taken place in the performance of certain articles stipulated by us, I thought it my duty, by immediate measures for fulfilling them, to vindicate to ourselves the right of considering the effect of departure from stipulation on their side. From the papers which will be laid before you you will be enabled to judge whether our treaties are regarded by them as fixing at all the measure of their demands or as guarding from the exercise of force our vessels within their power, and to consider how far it will be safe and expedient to leave our affairs with them in their present posture.

I lay before you the result of the census lately taken of our inhabitants, to a conformity with which we are now to reduce the ensuring ratio of representation and taxation. You will perceive that the increase of numbers during the last ten years, proceeding in geometrical ratio, promises a duplication in little more than twenty-two years. We contemplate this rapid growth and the prospect it holds up to us, not with a view to the injuries it may enable us to do others in some future day, but to the settlement of the extensive country still remaining vacant within our limits to the multiplication of men susceptible of happiness, educated in the love of order, habituated to self-government, and valuing its blessings above all price.

Other circumstances, combined with the increase of numbers, have produced an augmentation of revenue arising from consumption in a ratio far beyond that of population alone; and though the changes in foreign relations now taking place so desirably for the whole world may for a season affect this branch of revenue, yet weighing all probabilities of expense as well as of income, there is reasonable ground of confidence that we may now safely dispense with all the internal taxes, comprehending excise, stamps,

auctions, licenses, carriages, and refined sugars, to which the postage on newspapers may be added to facilitate the progress of information, and that the remaining sources of revenue will be sufficient to provide for the support of Government, to pay the interest of the public debts, and to discharge the principals within shorter periods than the laws or the general expectation had contemplated. War, indeed, and untoward events may change this prospect of things and call for expenses which the imposts could not meet; but sound principles will not justify our taxing the industry of our fellow-citizens to accumulate treasure for wars to happen we know not when, and which might not, perhaps, happen but from the temptations offered by the treasure.

These views, however, of reducing our burthens are formed on the expectation that a sensible and at the same time a salutary reduction may take place in our habitual expenditures. For this purpose those of the civil Government, the Army, and Navy will need revisal.

When we consider that this Government is charged with the external and mutual relations only of these States; that the States themselves have principal care of our persons, our property, and our reputation, constituting the great field of human concerns, we may well doubt whether our organization is not too complicated, too expensive; whether offices and officers have not been multiplied unnecessarily and sometimes injuriously to the service they were meant to promote. I will cause to be laid before you an essay toward a statement of those who, under public employment of various kinds, draw money from the Treasury or from our citizens. Time has not permitted a perfect enumeration, the ramifications of office being too multiplied and remote to be completely traced in a first trial. Among those who are dependent on Executive discretion I have begun the reduction of what was deemed unnecessary. The expenses of diplomatic agency have been considerably diminished. The inspectors of internal revenue who were found to obstruct the accountability of the institution have been discontinued. Several agencies created by Executive authority, on salaries fixed by that also, have been suppressed, and should suggest the expediency of regulating that power by law, so as to subject its exercises to legislative inspection and sanction. Other reformations of the same kind will be pursued with that caution which is requisite in removing useless things, not to injure what is retained. But the great mass

of public offices is established by law, and therefore by law alone can be abolished. Should the Legislature think it expedient to pass this roll in review and try all its parts by the test of public utility, they may be assured of every aid and light which Executive information can yield. Considering the general tendency to multiply offices and dependencies and to increase expense to the ultimate term of burthen which the citizen can bear, it behooves us to avail ourselves of every occasion which presents itself for taking off the surcharge, that it never may be seen here that after leaving to labor the smallest portion of its earnings on which it can subsist, Government shall itself consume the whole residue of what it was instituted to guard.

In our care, too, of the public contributions intrusted to our direction it would be prudent to multiply barriers against their dissipation by appropriating specific sums to every specific purpose susceptible of definition; by disallowing all applications of money varying from the appropriation in object or transcending it in amount; by reducing the undefined field of contingencies and thereby circumscribing discretionary powers over money, and by bringing back to a single department all accountabilities for money, where the examinations may be prompt, efficacious, and uniform.

An account of the receipts and expenditures of the last year, as prepared by the Secretary of the Treasury, will, as usual, be laid before you. The success which has attended the late sales of the public land shews that with attention they may be made an important source of receipt. Among the payments those made in discharge of the principal and interest of the national debt will shew that the public faith has been exactly maintained. . . .

A statement has been formed by the Secretary of War, on mature consideration, of all the posts and stations where garrisons will be expedient and of the number of men requisite for each garrison. The whole amount is considerably short of the present military establishment. For the surplus no particular use can be pointed out. For defense against invasion their number is as nothing, nor is it conceived needful or safe that a standing army should be kept up in time of peace for that purpose. Uncertain as we must ever be of the particular point in our circumference where an enemy may choose to invade us, the only force which can be ready at every point and competent to oppose them is the body of neighboring citizens as formed into a militia.

On these, collected from parts convenient in numbers proportioned to the invading force, it is best to rely not only to meet the first attack, but if it threatens to be permanent to maintain the defense until regulars may be engaged to relieve them. These considerations render it important that we should at every session continue to amend the defects which from time to time shew themselves in the laws for regulating the militia until they are sufficiently perfect. Nor should we now or at any time separate until we can say we have done everything for the militia which we could do were an enemy at our door. . . .

With respect to the extent to which our naval preparations should be carried some difference of opinion may be expected to appear, but just attention to the circumstances of every part of the Union will doubtless reconcile all. A small force will probably continue to be wanted for actual service in the Mediterranean. Whatever annual sum beyond that you may think proper to appropriate to naval preparations would perhaps be better employed in providing those articles which may be kept without waste or consumption, and be in readiness when any exigence calls them into use. Progress has been made, as will appear by papers now communicated, in providing materials for 74-gun ships as directed by law.

How far the authority given by the Legislature for procuring and establishing sites for naval purposes has been perfectly understood and pursued in the execution admits of some doubt. A statement of the expenses already incurred on that subject is now laid before you. I have in certain cases suspended or slackened these expenditures, that the Legislature might determine whether so many yards are necessary as have been contemplated. The works at this place are among those permitted to go on, and five of the seven frigates directed to be laid up have been brought and laid up here, where, besides the safety of their position, they are under the eye of the Executive Administration, as well as of its agents, and where yourselves also will be guided by your own view in the legislative provisions respecting them which may from time to time be necessary. They are preserved in such condition, as well the vessels as whatever belongs to them, as to be at all times ready for sea on a short warning. . . .

Agriculture, manufactures, commerce, and navigation, the four pillars of our prosperity, are then most thriving when left most free to in-

dividual enterprise. Protection from casual embarrassments, however, may sometimes be seasonably interposed. If in the course of your observations or inquiries they should appear to need any aid within the limits of our constitutional powers, your sense of their importance is a sufficient assurance they will occupy your attention. We can not, indeed, but all feel an anxious solicitude for the difficulties under which our carrying trade will soon be placed. How far it can be relieved, otherwise than by time, is a subject of important consideration. . . .

I can not omit recommending a revival of the laws on the subject of naturalization. Considering the ordinary chances of human life, a denial of citizenship under a residence of fourteen years is a denial to a great proportion of those who ask it, and controls a policy pursued from their first settlement by many of these States, and still believed of consequence to their prosperity; and shall we refuse to the unhappy fugitives from distress that hospitality which the savages of the wilderness extended to our fathers arriving in this land? Shall oppressed humanity find no asylum on this globe? The Constitution indeed has wisely provided that for admission to certain offices of important trust a residence shall be required sufficient to develop character and design. But might not the general character and capabilities of a citizen be safely communicated to everyone manifesting a bona fide purpose of embarking his life and fortunes permanently with us, with restrictions, perhaps, to guard against the fraudulent usurpation of our flag, an abuse which brings so much embarrassment and loss on the genuine citizen and so much danger to the nation of being involved in war that no endeavor would be spared to detect and suppress it?

These, fellow-citizens, are the matters respecting the state of the nation which I have thought of importance to be submitted to your consideration at this time. . . . That all should be satisfied with any one order of things is not to be expected; but I indulge the pleasing persuasion that the great body of our citizens will cordially concur in honest and disinterested efforts which have for their object to preserve the General and State Governments in their constitutional form and equilibrium; to maintain peace abroad, and order and obedience to the laws at home; to establish principles and practices of administration favorable to the security of liberty and property, and to reduce expenses to what is necessary for the useful purposes of Government.

2. FOREIGN AFFAIRS

On numerous occasions Jefferson had declared that the United States should remain neutral in the disputes of Europe. He believed that a policy of economic coercion by the United States would force foreign powers to respect our rights. After war was resumed in Europe in 1803, American neutrality underwent a severe test. The President, however, convinced of the rightness of his policies, again stated his familiar views in the third annual message to Congress.⁶

. . . WE HAVE SEEN with sincere concern the flames of war lighted up again in Europe, and nations with which we have the most friendly and useful relations engaged in mutual destruction. While we regret the miseries in which we see others involved, let us bow with gratitude to that kind Providence which, inspiring with wisdom and moderation our late legislative councils while placed under the urgency of the greatest wrongs, guarded us from hastily entering into the sanguinary contest and left us only to look on and to pity its ravages. These will be heaviest on those immediately engaged. Yet the nations pursuing peace will not be exempt from all evil. In the course of this conflict let it be our endeavor, as it is our interest and desire, to cultivate the friendship of the belligerent nations by every act of justice and of innocent kindness; to receive their armed vessels with hospitality from the distresses of the sea, but to administer the means of annoyance to none; to establish in our harbors such a police as may maintain law and order; to restrain our citizens from embarking individually in a war in which their country takes no part; to punish severely those persons, citizens or alien, who shall usurp the cover of our flag for vessels not entitled to it, infecting thereby with suspicion those of real Americans and committing us into controversies for the redress of wrongs not our own; to exact from every nation the observance toward our vessels and citizens of those principles and practices which all civilized people acknowledge; to merit the character of a just nation, and maintain that of an independent one, preferring every consequence to insult and habitual wrong. Congress will consider whether the existing laws enable us efficaciously to maintain this course with our citizens in all places and with others while within the limits of our jurisdiction, and

⁶ James D. Richardson, ed., *Messages and Papers of the Presidents* (Washington, 1896), I, pp. 361-362.

will give them the new modifications necessary for these objects. Some contraventions of right have already taken place, both within our jurisdictional limits and on the high seas. The friendly disposition of the Governments from whose agents they have proceeded, as well as their wisdom and regard for justice, leave us in reasonable expectation that they will be rectified and prevented in the future, and that no act will be countenanced by them which threatens to disturb our friendly intercourse. Separated by a wide ocean from the nations of Europe and from the political interests which entangle them together, with productions and wants which render our commerce and friendship useful to them and theirs to us, it can not be the interest of any to assail us, nor ours to disturb them. We should be most unwise, indeed, were we to cast away the singular blessings of the position in which nature has placed us, the opportunity she has endowed us with of pursuing, at a distance from foreign contentions,

the paths of industry, peace, and happiness, of cultivating general friendship, and of bringing collisions of interest to the umpirage of reason rather than of force. How desirable, then, must it be in a Government like ours to see its citizens adopt individually the views, the interest, and the conduct which their country should pursue, divesting themselves of those passions and partialities which tend to lessen useful friendships and to embarrass and embroil us in the calamitous scenes of Europe. Confident, fellow-citizens, that you will duly estimate the importance of neutral dispositions toward the observance of neutral conduct, that you will be sensible how much it is our duty to look on the bloody arena spread before us with commiseration indeed, but with no other wish than to see it closed, I am persuaded you will cordially cherish these dispositions in all discussions among yourselves and in all communications with your constituents; . . .

V

Republicanism in Social Affairs

THE NEW DEMOCRATIC SPIRIT of Jefferson's administration was perhaps nowhere more noticeable than in official social life around Washington. Jefferson's simplicity and cordial personal relationships caused embarrassment and distress among both Americans and Europeans who were accustomed to formality and fixed social customs. Claude G. Bowers in his book, *Jefferson In Power*, presents a lively account of this situation.⁶

FOR THE FIRST TIME the White House was to be without a mistress. The wife, whose memory Jefferson revered, had long been dead, and his daughters had duties and inclinations in Virginia. To these he had been both a father and mother. In Paris he had trudged from store to store on the Rue Saint-Honoré doing their shopping. He had summoned them to him there, and Mrs. John Adams had taken the younger and more winsome under her maternal care. In Monticello he had supervised their reading and made them his companions. Soon after his first

inauguration, he was summoning them to his side. 'I have reason to suspect that both yourself and your sister will come here in the fall,' he wrote the younger. 'I hope it myself, and our society here is anxious for it. I promise them that one of you hereafter will pass the spring here, and the other the fall, saving your consent to it.'

However, he had no illusions on Washington society. 'I have company enough,' he wrote his younger daughter, 'part of which is very friendly, part well enough disposed, part secretly hostile, and a constant succession of strangers. But this only serves to get rid of life, not to enjoy it.'

The daughters came, though they spent little

⁶ Claude G. Bowers, *Jefferson In Power* (Boston: Houghton Mifflin Co., 1936), pp. 33-49. Used by permission of the publisher.

time in Washington, despite their husbands' attendance on Congress. Mary Eppes, the younger, with her auburn hair, was the more beautiful of the two, but her health was delicate, and she was timid among strangers and in crowds. 'Beautiful—simplicity and timidity personified when in company, but when alone with you of communicative and winning manners,' Mrs. Smith thought. Jefferson tried to coax her more into society. 'I observe your reluctance at the idea . . . but for your own happiness must advise you to get the better of it,' he wrote her. 'I think I discover in you a willingness to withdraw from society more than is prudent.' Then, recalling the effect of the years of his own retirement after his wife's death, he added: 'I am certain you would be pleased with the state of society here, happy in having made the experiment. I am convinced our own happiness requires that we should continue to mix with the world, and to keep pace with it as it goes; and that every person who retires from free communication with it is severely punished afterwards by the state of mind into which he gets.'

Martha Randolph, the older daughter, not so beautiful nor winsome, was well fitted for the duties of hostess. Mrs. Smith thought her 'rather homely, a delicate likeness of her father.' She had a keen intelligence, and sensibility and kindness were reflected in her countenance. Perfectly natural, with no affectations, frank and affectionate, and an excellent conversationalist, she could command respect in any gathering of men or women anywhere. As a young girl when in Paris with her father she had studied under the famous Madame Genlis, the mother of the lovely Pamela. 'You know her at once and feel perfectly at ease with her,' wrote one who knew her. 'Mrs. Randolph has that rare and charming egotism which can interest the listener in all one's concerns. Though courteous and amiable, she was to demonstrate her ability to put Mistress Merry in her place. But the demands of a large family requiring her presence in Virginia, her sojourns in the White House were all too rare.'

In the absence of his daughters, Jefferson depended on Dolly Madison, who thus began her reign of more than thirty years, sixteen in the mansion of the President. Constantly she was being summoned, sometimes with her sister Ann, to serve as hostess. 'Thomas Jefferson begs that either Mrs. Madison or Miss Payne will be so good as to dine with him today to take care of female friends expected,' runs one note. 'Thomas Jefferson presents his respectful thanks

to Mrs. Madison for the trouble she has been so kind as to take on his behalf,' runs another.

Very soon his marked partiality for the pretty Quakeress will involve him in a tempest in a teapot, as we shall see.

Almost immediately, the democratic chieftain found himself embroiled with the ladies who loved and would have a court. He had determined to end all imitations of royalty and to make his a truly democratic court. 'It is said the President will have no levees during the session, which will be short,' wrote Cutler. The mere thought seemed 'scarcely less than sacrilege to the ladies, accustomed to fare forth in their finery on these occasions during previous administrations. Instantly the spirit of rebellion swept the drawing-rooms and boarding-houses. The women would put a speedy end to such democratic foolishness! And so on the usual levee day they went forth in force to storm the White House. They were admitted to the public rooms, but the host was absent. He was cantering on horseback over the country roads toward Georgetown. Returning soon, and learning that he was inundated with company, he understood the implications of the visit. Not pausing to change his clothing, pretending to be delightfully surprised, he strode into the room, booted and spurred, his riding-suit covered with the red dust of the roads, and greeted his visitors with a disarming cordiality. Graceful and gracious, the pink of courtesy, bubbling with light talk and more serious conversation, he captivated and amazed the women, who felt all the more intruders because of the friendliness of their reception. But they drew their skirts aside as he moved among them with his dusty clothes. When satisfied they had failed, they were ready to leave, but he insisted that they remain longer, and accompanied them to the door with his most winning smile. This, however, was the last of the levees during the eight-year reign of Thomas Jefferson.

Instead he kept open house, and anyone could see him at any time of the day or evening. While the women were still laughing over their defeat, the men were saying that Jefferson was holding a perpetual levee—and so he almost was. No President ever was to be more accessible to the public, none more familiar by sight to the people of the capital. Every day he took the air. Seldom, except when his daughters were with him, was he seen driving behind the prancing bays, for he preferred, when alone, to go on horseback. A bold and fearless rider, he might

be seen almost any day between one and three, even in a drizzle, astride 'Wildair,' cantering about the environs of the town. Occasionally he would stop to chat with a farmer or laborer or a child; not infrequently he made a short call at some house in the country.

Hardly had the excitement over the abolishing of the levees simmered down when he threw another bombshell into the midst of the imitative society of the town. He issued his own rules of etiquette, designed, in his mind, to give a more democratic tone to official society. These rules were predicated on the theory that in official society no nation or people is bound by the rules of another. Sir Augustus Foster of the British Legation was shocked almost into hysteria. 'Mr. Jefferson knew too well what he was about,' he wrote. 'He had lived in good society at Paris . . . where he had been admitted to the coteries of Madame du Deffand, not to set a value on the decencies and proprieties of life.' But Sir Augustus evidently felt that nothing not approved by Paris could possibly be decent, and that there was no such thing as good society in America. Jefferson had been sickened by the sycophancy and parroting of foreign customs, both in New York and Philadelphia. He would adopt rules in harmony with those unwritten but observed by American gentlemen, of whom he assumed the country could boast a few. And so — the rules.

First, foreign Ministers reaching the capital should pay the first visit to the members of the Cabinet, which the latter would return. The families of foreign Ministers should receive the first call from the families of the members of the Cabinet, 'as from all other residents, and as all strangers, foreign and domestic, do, from all the residents of the town.'

And then came the first shock. On the principle of personal and national equality, the Executive Government would consider every Minister 'as the representative of his nation, and equal to every other, without distinction of grade.' This bold assault on the most precious privilege of diplomats was greeted with groans.

Then followed a rule that would have caused consternation in the rarefied atmosphere of the Bingham mansion: 'No titles being admitted here, those of foreigners have no precedence.'

But the end was not yet.

'At any public ceremony to which the Government invites the presence of foreign Ministers and their families, no precedence or privilege will be given them, other than the provision of

a convenient seat with any other strangers invited, and with the families of the National Ministers.'

Wicked as this was, there was something worse: for 'at dinners in public or private, and on all occasions of social intercourse, a perfect equality exists between the persons composing the company, whether foreign or domestic, titled or untitled, in or out of office.'

But there was still worse to follow: 'To give force to the principle of equality, or *pêle mèle*, and prevent the growth of precedence, the members of the Executive at their own houses will adhere to the ancient usage of their ancestors — gentlemen *en masse* giving place to ladies *en masse*.'

Then followed less provocative and revolutionary rules. The President would receive but not return calls, and the family of the President would receive the first call and return it.

Society gasped, and the more sensitive could scarcely look the haughty and injured Yrujo in the eye; but this Minister, thinking discretion the better part of valor, followed the rules without protest until Mistress Merry appeared upon the scene to create an international incident over how a diplomat's wife should be taken in to dinner.

Mr. Merry had received a cruel shock on the occasion of his initial call upon the President. The hour had been fixed, and Madison was to accompany him to the White House. The Minister appeared in his most impressive uniform, set for a stately ceremonial. But when he reached the White House Jefferson was not in the reception room into which he was conducted. In a moment, however, he appeared, and not in somber black. He wore his usual clothes, and he was in heelless slippers, since he preferred these for comfort. Could there be any doubt that Jefferson had hurled an insult in the face of George III? True, Jefferson received his envoy cordially, led him to a chair, and conversed with him in the most friendly manner — but the thing rankled. It was well enough, if Americans must be vulgar, to base rules of society upon the prevalent usages of gentlemen in America, but the diplomatic corps was sacrosanct, and its members, not the head of the State, should be permitted to lay down the law.

Jefferson was amused. He, better than most, knew the usages of the courts, and among the courts of Europe he would have conformed to them. He had no disposition to affront the super-sensitive members of the corps, some depending

wholly on the precedence and pomp of arbitrary rules to lift them above the most painful commonplace. Once, when a Danish diplomat on friendly terms gently took him to task for receiving him in slippers, and entered into a defense of the stiff formalities, Jefferson smilingly told him a story. Once upon a time King Ferdinand of Naples had complained bitterly to his Minister Caraccioli of the boredom of court ceremonial, and asked if he could not be relieved of such suffering. 'Ah,' said the Minister, intent on illustrating the danger to so many in abandoning ceremonial, 'your Majesty must remember that you, yourself, are but a ceremony.'

But to Merry, who was hardly a ceremony, the memory of the reception wounded, and then came the unbearable blow, and soon the dream-eyed wife of Yrujo, a bit distraught, would be rushing into a drawing-room crying, 'Oh, this will mean war!' Jefferson had invited the Merrys, the Yrujos, the Pichons, the Madisons, the Gallatins, and some others to dinner. When it was announced, Jefferson, following the custom among American gentlemen at the time, offered his arm to Mrs. Madison, with whom he was talking. Merry, dumbfounded by what he considered an affront to his fair spouse, stood in indecision. Meanwhile, others were escorting the women nearest them into the dining-room, and finally the Merrys stood in solitary grandeur. At which Merry, in a rage, gave his arm to his wife, and followed. Even Madison had neglected her, preferring Mrs. Gallatin as a dinner companion.

But this did not entirely fill the irritated diplomat's cup of woe. Thinking to soothe his wounded spirit in the serene smile of Madame Yrujo, he was about to seat himself beside her when an uncouth congressman pushed in ahead and took the seat. That night the Merrys left early, and soon their cries of indignation rang through the drawing rooms and boarding-houses. Instantly the town was in a turmoil. Many thought Jefferson had shown good taste in his selection; others agreed that he had as much right to make rules for official society as the King of England; and most of the women were incensed against Mrs. Merry, who was described privately by Jefferson as 'a virago who has already disturbed our harmony extremely.' The *Washington Federalist* pounced upon the silly incident as proof of the vulgarity of democracy, and accentuated the bitterness in social circles with sarcasms on the Administration, 'making

a burlesque of the facts,' as Pichon reported to Paris.

Jefferson was amazed. Nothing was more remote from his thought than insulting either the King of England or his envoy, and as the gossips chattered at the card-tables, wishing to 'keep open for cordial civilities whatever channels the scruples of Mr. Merry might not have closed,' he asked Madison to inquire whether the infuriated diplomat and his virago of a wife would 'come and take a friendly and familiar dinner with him.' Madison made his inquiry through a Swedish diplomat, and was assured that the advance would not be repulsed. The invitation was sent, and Merry gluttonously grasped his opportunity. Madison soon was reading an amazing letter that Mrs. Merry must have inspired.

'It so happens that Mr. Merry has engaged some company to dine with him on that day,' ran the letter. 'Under other circumstances, however, he would have informed himself whether it is the usage, as is the case in most countries, for private engagements of every kind to give way to invitations from the chief magistrate of the United States, and if such were the usage he would not have failed to have alleged it as a just apology for not receiving the company he has invited. But after the communication which Mr. Merry had the honor to receive from Mr. Madison . . . respecting the alteration which the President of the United States had thought proper should take place in the treatment to be observed by the Executive Government toward foreign Ministers, from those usages which had been established by his predecessors, and after the reply which Mr. Merry had the honor to make to that notice, stating that notwithstanding all his anxiety to cultivate the most intimate and cordial intercourse . . . he could not take upon himself to acquiesce in that alteration on account of its serious nature, which he would therefore report to his own Government and wait for their instructions upon it, it is necessary that he should have the honor of observing to Mr. Madison that combining the terms of the invitation above mentioned with the circumstances which have preceded it, Mr. Merry can only understand it to be addressed to him in his private capacity and not as His Britannic Majesty's Minister to the United States. Now, however anxious he may be, as he certainly is, to give effect to the claim above expressed of conciliating personally and privately the good opinion

and esteem of Mr. Jefferson he hopes that the latter will feel how improper it would be on his part to sacrifice to that desire the duty which he owes to his Sovereign, and consequently how impossible it is for him to lay aside the consideration of his public character. If Mr. Merry should be mistaken as to the meaning of Mr. Jefferson's note and it should prove that the invitation is designed for him in his public capacity, he trusts that Mr. Jefferson will feel equally, that it must be out of his power to accept it without receiving previously, through the channel of the Secretary of State, the necessary formal assurance of the President's determination to observe toward him those usages of distinction which have heretofore been shown by the Executive Government of the United States to persons who have been accredited to them as His Majesty's Ministers.'

Disgusted by the solemnity of this state paper, Madison, after consulting with Jefferson, sent a curt reply:

'Mr. Madison presents his compliments to Mr. Merry. He has communicated to the President Mr. Merry's note of this morning and has the honor to remark to him that the President's invitation being in the style used by him in like cases had no reference to the points of form which will deprive him of the pleasure of Mr. Merry's company at dinner on Monday next.'

This closed the chapter. Mr. Merry could not attend, and never thereafter did he appear at a social function at the White House. . . .

But no supercilious brows were raised over Jefferson's dinners, for neither under Washington nor Adams had the food been so perfectly prepared, the wines so choice, or the conversation so interesting. His French chef, who had served some of the first families in Europe and had followed him to America, soon became his best ally in conciliating political opponents. No predecessor had maintained such a cellar, the wines abundant and the very best. No one understood better the art of the dinner-table, and almost every day his table was surrounded by guests. The company usually was confined to fourteen, and the table was round 'to encourage general conversation.' The personnel of the dinners, when Congress was in session, was drawn from official life with just a few outsiders; during the congressional recesses Jefferson drew his friends from Georgetown, Alexandria, and the surrounding country-houses. The extraordinary generosity of his hospitality shines forth in a typical invitation: "Th. Jefferson requests

the favor of Mr. and Mrs. Smith to dine with him on Tuesday next (26th) at half after three, and any friends who may be with them.' Having abolished the levee he met the members of Congress at dinner, but he did not mix the political parties at these functions. All were either Federalists or Democrats. 'He ought to invite them without regard to their political sentiments,' grumbled Senator Plumer. 'The more men of good hearts associate, the better they think of each other, notwithstanding their differences of opinion.' The Federalists eagerly went for the food and the wines, satisfying their conscience afterward by finding fault with the host in letters and diaries. Jefferson knew the undertone of society in Washington too well to undertake to mix the parties. He preferred to choose his guests for each dinner with a view to the congeniality of the company. At one time he sat down to dinner with no one but the Federalists from Massachusetts and Connecticut, his most venomous foes. He knew how some would repay his hospitality. The elegant Gouverneur Morris, unable to find fault with the dinner, epicure that he was, emptied his spleen on the host. 'His constrained manner of reception showed his enmity,' he wrote, 'and his assiduous attentions demonstrate his fear.' It was not easy for Morris to understand the impulses of a gentleman. 'Although two clergymen were present, no blessing was asked,' growled Cutler in his throat. 'I wish his French politics were as good as his French wines,' complained Plumer.

None, however, complained of the dinners. 'Dined at the President's,' wrote Cutler. 'Rice soup, round of beef, turkey, mutton, ham, loin of veal, cutlets of mutton, fried eggs, fried beef, a pie called macaroni which appeared to be a rich brown crust . . . an Italian dish. Ice cream, very good, crust wholly dried crumbled into thin flakes; a dish somewhat like a pudding — inside white as cream or curd, very porous and light, covered with cream sauce . . . very fine. Many other jimcracks, a great variety of fruit, plenty of wines and good.' Lemaire, purveyor of the household, complained bitterly that often he spent fifty dollars a day. The frugal French soul of Perit, the steward, was constantly stirred by this American extravagance.

If the food and wines were better than ever before, the conversation was far more interesting. 'You drink as you please and converse at your ease,' wrote the appreciative Mitchill. 'In this way every guest feels inclined to drink to the digestive or social point and no further.'

Under the host's skillful direction the conversation was general, and if he observed any guest silent, he would draw him out on some subject in which he was known to be interested; and if he noticed anyone neglected, he gave him special attention. 'I had a good deal of conversation with the President,' wrote Adams. 'The French Minister, just arrived, had been this day first presented to him, and appears to have displeased him by the profusion of gold lace on his clothes. He says they must get him down to a plain frock coat or the boys in the streets will run after him.'

After dinner that day Jefferson had delighted Adams by showing him a copy of Parrot's 'Natural History,' in French, 'very beautifully executed.' At one of the dinners there was an exchange of repartee between Jefferson and the scholarly Mitchill. For a while Jefferson regaled his guests with a dissertation on wines, and he suggested that 'the Epicureans' philosophy was nearer to the truth than any other ancient system.' It had been misunderstood and misrepresented. He referred enthusiastically to the work of Gassendo upon it, lamenting that it had not been translated, since 'it is the only accurate account of it extant.' Adams reminded him of Lucretius. 'Only a part of it,' rejoined Jefferson — 'only the natural philosophy.' The moral philosophy could only be found in Gassendo. Mitchill veered the conversation with the suggestion that Fulton's steamboat was an invention of great importance. Yes, said Jefferson, 'and I think his torpedo is a valuable invention too.' The talk shifted to chemistry, geography, natural philosophy, and Mitchill, who was a scientist, held forth on 'oils, gases, beasts, birds, petrifications, incrustations, citing Humboldt, Lewis, Pike, and Barlow.' But inevitably at some time Jefferson brought the conversation to agriculture, of which he complained that he 'knew nothing.' But Madison did, he added — 'the best farmer in the world.' And so the conversation always ran on until night. 'A most agreeable dinner,' wrote Adams. . . .

In discontinuing the levees, Jefferson did not abolish all receptions. Those of the nation's natal day and New Year's Day were observed, and the capacity of the White House was taxed on these occasions. On these days it was opened to the public *en masse*. The first of the receptions came on July 4, 1801, when the people of Washington and Georgetown flocked to the President's house. They found Jefferson in a room

surrounded by the five Cherokee chiefs then visiting the capital. After a moment's conversation with Jefferson, they filed into the dining-room, where they found four large sideboards loaded with refreshments — cakes of various kinds, punch in silver urns, wine. Diplomats rubbed shoulders with grocers, Dolly Madison chatted familiarly with a clerk, Jefferson mingled promiscuously, having a word for everyone. Martial music in the street drew many to the windows, and the Marine Corps, headed by a band playing 'The President's March,' appeared. Out on the lawn they went through the military evolutions, then joined the merry crowds at the sideboards.

The New Year's receptions were more fashionable occasions, belle and matron appearing in their gayest to receive the compliments of the beaux. Jefferson stood in the middle of the reception room to greet and exchange a word with each guest. At the first New Year's reception of Jefferson's régime the Federalists conferred soberly on whether they should attend, since the levee had been abandoned. They concluded to go, and they went in a group in carriages and were 'received with politeness, entertained with cake and wine.' It was the very day Leland's Mammoth Cheese had arrived, and Jefferson smilingly accompanied his critics to the East Room to view 'this monument of human weakness and folly.'

Dinners, the best yet given by a President, state receptions, no levees — Society soon became accustomed to the new rules of conduct and accepted what it had no power to reject. In the evenings the White House was reserved for the calls of close friends; during the day anyone could get access to the President in his study. Occasionally distinguished guests stayed at the White House. These were more likely to be intellectuals than politicians, and of these Humboldt was the most conspicuous. He spent many hours a day with Jefferson discussing matters remote from politics. Incidentally, he found nothing 'slovenly' to comment on in Jefferson's attire. But he was much more interested in his mind and may not have noticed. When on entering a room unannounced, he found Jefferson on his back on the floor playing with his grandchildren, he was not shocked. 'You have found me playing the fool, Baron,' said Jefferson, laughing, 'but I am sure to you I need make no apology.' And there was no need. . . .

Chapter Eight

Westward Expansion, 1803–1848



The Lewis and Clark Party at Three Forks

ONE OF THE MOST PERSISTENT and important themes in American history, at least until about 1900, has been territorial expansion. Small English settlements along the eastern seacoast served as springboards for restless people who pushed westward to new lands and new opportunities. The relentless move to the west resulted in statehood for Kentucky in 1792 and for Tennessee four years later. By 1803, Ohio was admitted and population was trickling toward Indiana and Illinois. Up to 1800, this expansion took place in territory gained by the United States in the Treaty of Paris at the close of the Revolutionary War. Spain still held Florida, but between the thirty-first parallel and Canada, and west to the Mississippi River, was a vast area waiting for settlement. Beyond the mighty Mississippi, Spain claimed most of the land until 1800, when the Louisiana Territory was secretly ceded to France.

With the purchase of Louisiana from France in 1803, the United States launched a program of expansion which, within a half a century, put all of the trans-Mississippi West under United States control. After Louisiana was tucked safely within their boundaries, Americans looked en-

viously at Florida. In 1810, part of West Florida to the Pearl River was taken over, and three years later the area between the Pearl and the Perdido Rivers was seized. But this did not quell the spirit of acquisition. A treaty was negotiated with Spain in 1819, giving the United States the remainder of Florida.

During the following decades came Texas, which was annexed in 1845; the Oregon country was divided with Great Britain the next year; the Mexican cession was acquired in 1848; and a desert area known as Gadsden's Purchase was added in 1853. Such was the irresistible march toward the setting sun — America's Manifest Destiny, said the contemporary expansionists.

Americans had no difficulty in justifying their expansionist tendencies. Some argued that it was God's will for the United States to embrace everything within her "natural frontiers"; others said Americans would make better use of the land; still others declared that it was a means of spreading democratic government. In any event, territorial expansion was one of the most important developments in the first half of the nineteenth century.

I

The Louisiana Purchase

PRESIDENT THOMAS JEFFERSON was not an avowed expansionist as was true of some of his successors in the White House. Yet during his administrations, the United States acquired Louisiana, one of the greatest territorial purchases in history. Jefferson clearly recognized the importance of controlling the mouth of the Mississippi River because New Orleans was the principal export point for western produce. To have this area controlled by a foreign power could be a grave threat to the economic prosperity of the West and possibly to the territorial integrity of the United States. In 1795 Pinckney's Treaty with Spain had given Americans the Right of Deposit at New Orleans, but the secret cession of Louisiana to France in 1800 cast a new light on the entire problem. After learning that Spain had ceded Louisiana to France, a strong world power ruled by Napoleon Bonaparte, Jefferson began considering ways and means which might result in gaining the area around New Orleans for the United States.

1. JEFFERSON RECOGNIZES THE IMPORTANCE OF A MISSISSIPPI OUTLET

On April 2, 1802, Jefferson expressed his views on the Louisiana problem in a letter to Robert Livingston, Minister to France. This was part of a train of thought and action which resulted in the United States buying Louisiana the following year.¹

THE CESSION OF LOUISIANA and the Floridas by Spain to France works most sorely on the U. S. On this subject the Secretary of State has written to you fully. Yet I cannot forbear recurring to it personally, so deep is the impression it makes in my mind. It completely reverses all the political relations of the U. S. and will form a new epoch in our political course. Of all nations of any consideration France is the one which hitherto has offered the fewest points on which we could have any conflict of right, and the most points of a communion of interests. From these causes we have ever looked to her as our *natural friend*, as one with which we never could have an occasion of difference. Her growth therefore we viewed as our own, her misfortunes ours. There is on the globe one single spot, the possessor of which is our natural and habitual enemy. It is New Orleans, through which the produce of three-eighths of our territory must pass to market, and from its fertility it will ere

long yield more than half of our whole produce and contain more than half our inhabitants. France placing herself in that door assumes to us the attitude of defiance. Spain might have retained it quietly for years. Her pacific dispositions, her feeble state, would induce her to increase our facilities there, so that her possession of the place would be hardly felt by us, and it would not perhaps be very long before some circumstance might arise which might make the cession of it to us the price of something of more worth to her. Not so can it ever be in the hands of France. The impetuosity of her temper, the energy and restlessness of her character, placed in a point of eternal friction with us, and our character, which though quiet, and loving peace and the pursuit of wealth, is high-minded, despising wealth in competition with insult or injury, enterprising and energetic as any nation on earth, these circumstances render it impossible that France and the U. S. can continue long friends when they meet in so irritable a position. They as well as we must be blind if they do not see this; and we must be very improvident if we do not begin to make arrangements on that hypothesis. The day that France takes possession of N. Orleans fixes the sentence which is to restrain her forever within her low water mark. It seals the union of two nations who in conjunction can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the British fleet and nation. We must turn all our attentions to a maritime force, for

¹ Paul L. Ford, ed., *The Writings of Thomas Jefferson* (New York: G. P. Putnam's Sons, 1897), VIII, pp. 144-147. Used by permission of the publisher.

which our resources place us on very high grounds: and having formed and cemented together a power which may render reinforcement of her settlements here impossible to France, make the first cannon, which shall be fired in Europe the signal for tearing up any settlement she may have made, and for holding the two continents of America in sequestration for the common purposes of the united British and American nations. This is not a state of things we seek or desire. It is one which this measure, if adopted by France, forces on us, as necessarily as any other cause, by the laws of nature, brings on its necessary effect. It is not from a fear of France that we deprecate this measure proposed by her. For however greater her force is than ours compared in the abstract, it is nothing in comparison of ours when to be exerted on our soil. But it is from a sincere love of peace, and a firm persuasion that bound France by the interests and the strong sympathies still existing in the minds of our citizens, and holding relative positions which ensure their continuance we are secure of a long course of peace. Whereas the change of friends, which will be rendered necessary if France changes that position, embarks us necessarily as a belligerent power in the first war of Europe. In that case France will have held possession of New Orleans during the interval of peace, long or short, at the end of which it will be wrested from her. Will this short-lived possession have been an equivalent to her for the transfer of such a weight into the scale of her enemy? Will not the amalgamation of a young, thriving, nation continue to that enemy the health and force which are at present so evidently on the decline? And will a few years possession of N. Orleans add equally to the strength of France? She may say she needs Louisiana for the supply of her West Indies. She does not need it in time of peace. And in war she could not depend on them because they would be so easily intercepted. I should suppose that all these considerations might in some proper form be brought into view of the government of France. Tho' stated by us, it ought not to give offence; because we do not bring them forward as a menace, but as consequences not controulable by us, but inevitable from the course of things. We mention them not as things which we desire by any means, but as things we deprecate; and we beseech a friend to look forward and to prevent them for our common interests.

If France considers Louisiana however as indis-

pensable for her views she might perhaps be willing to look about for arrangements which might reconcile it to our interests. If anything could do this it would be the ceding to us the island of New Orleans and the Floridas. This would certainly in a great degree remove the causes of jarring and irritation between us, and perhaps for such a length of time as might produce other means of making the measure permanently conciliatory to our interests and friendships. It would at any rate relieve us from the necessity of taking immediate measures for countervailing such an operation by arrangements in another quarter. Still we should consider N. Orleans and the Floridas as equivalent for the risk of a quarrel with France produced by her vicinage. I have no doubt you have urged these considerations on every proper occasion with the government where you are. . . . Every eye in the U. S. is now fixed on this affair of Louisiana. Perhaps nothing since the revolutionary war has produced more uneasy sensations through the body of the nation. Notwithstanding temporary bickerings have taken place with France, she has still a strong hold on the affections of our citizens generally. I have thought it not amiss, by way of supplement to the letters of the Secretary of State to write you this private one to impress you with the importance we affix to this transaction. . . .

2. "THE LOUISIANA TREATY"

Within six months after Jefferson wrote to Livingston, it appeared as though France would soon occupy Louisiana. To 'make matters worse, in October, 1802, Spain revoked the American right of deposit at New Orleans. The following January the House of Representatives voted to appropriate two million dollars to purchase New Orleans and West Florida. At the same time President Jefferson recommended sending James Monroe to France as a special envoy to assist Livingston in "securing our rights and interests in the river Mississippi and in the territories eastward thereof." In his History of the United States, Henry Adams describes some of the French difficulties in attempting to establish a New World empire and Napoleon's decision to sell the whole of Louisiana.²

BONAPARTE'S EXPEDITION to Louisiana was to

² Henry Adams, *The Formative Years, A History of the United States During the Administrations of Jefferson and Madison*, condensed and edited by Herbert Agar (Boston: Houghton Mifflin Co., 1947), I, pp. 165-172. Used by permission of the publisher.

have sailed at the end of September, 1802. A general of division, three generals of brigade, five battalions of infantry, two companies of artillery, sixteen pieces of cannon, and three thousand muskets were to be collected at Dunkirk for shipment; but as fast as regiments could be named they were consumed by the fiery furnace of St. Domingo. Nevertheless, all the orders and arrangements were gradually made. Victor was to command the forces in Louisiana; Laussat was to be prefect, charged with the civil administration. Both received elaborate written instructions; and although Victor could not sail without ships or troops, Laussat was sent on his way.

In these instructions not a word could be found which clashed with Jefferson's pacific views; and partly for that reason they were more dangerous to the United States than if they had ordered Victor to seize American property on the Mississippi and occupy Natchez with his three thousand men. Victor was instructed, in effect, to tamper with every adventurer from Pittsburgh to Natchez; buy up every Indian tribe in the Georgia and Northwestern Territory; fortify every bluff on the western bank from St. Louis to New Orleans; and in a few years create a series of French settlements which would realize Madison's 'sound policy' of discouraging the United States from colonizing the west bank.

These were the ideas held by the Government of France at the moment when Jefferson nominated Monroe as a special envoy to buy New Orleans and West Florida. Jefferson's hopes of his success were small; and Livingston, although on the spot and eager to try the experiment, could only write: 'Do not absolutely despair.' Whatever chance existed of obtaining New Orleans seemed to lie in the possibility that Addington's peaceful administration in England might be driven into some act contrary to its vital interests; and even this chance was worth little, for so long as Bonaparte wanted peace, he could always keep it. England was thoroughly weary of war; and proved it by patiently looking on while Bonaparte, during the year, committed one arbitrary act after another, which at any previous time would have been followed by an instant withdrawal of the British minister from Paris.

On the other hand, the world could see that Bonaparte was already tired of peace; his role of beneficent shopkeeper disgusted him, and a new war in Europe was only a question of

months. In such a case the blow might fall on the east bank of the Rhine, on Spain, or on England. Yet Bonaparte was in any case bound to keep Louisiana or return it to Spain. Florida was not his to sell. The chance that Jefferson could buy either of these countries, even in case of a European war, seemed so small as hardly to be worth considering; but it existed, because Bonaparte was not a man like other men, and his action could never be calculated in advance.

The news that Leclerc was dead, that his army was annihilated, St. Domingo ruined, and the Negroes more than ever beyond control, reached Paris and was printed in the *Moniteur* January 7, 1803, in the same active week when Bernadotte, Laussat, and Victor were ordered from France to America and Monroe was ordered from America to France. Of all the events of the time, Leclerc's death was the most decisive. The colonial system of France centered in St. Domingo. Without that island the system had hands, feet, and even a head, but no body. Of what use was Louisiana when France had clearly lost the main colony which Louisiana was meant to feed and fortify?

Not only had the Island of St. Domingo been ruined by the war, its plantations destroyed, its labor paralyzed, and its population reduced to barbarism, so that the task of restoring its commercial value had become extremely difficult; but other and greater objections existed to a renewal of the struggle. The army dreaded service in St. Domingo, where certain death awaited every soldier; the expense was frightful; a year of war had consumed fifty thousand men and money in vast amounts, with no other result than to prove that at least as many men and as much money would be still needed before any return could be expected for so lavish an expenditure. In Europe war could be made to support war; in St. Domingo peace alone could but slowly repair some part of this frightful waste.

From the day when news of Leclerc's death arrived, during the first week of January, 1803, the First Consul brooded over the means of abandoning St. Domingo without appearing to desert intentionally a policy dear to France. Talleyrand and Decrès were allowed to go on as before; they gave instructions to Bernadotte and hurried the preparations to Victor, whom the ice and snow of Holland and the slowness of the workmen held motionless; they prepared a reinforcement of fifteen thousand men for Rochambeau, and Bonaparte gave all the nec-

essary orders for hastening the departure of both expeditions. As late as February 5, he wrote to Decrès that fifteen thousand men had been, or were about to be, sent to St. Domingo, and that fifteen thousand more must be ready to sail by the middle of August. Yet his policy of abandoning the colonial system had been already decided; for on January 30 the *Moniteur* produced Sabastiani's famous Report on the military condition of the East—a publication which could have no other object than to alarm England.

Bonaparte loved long-prepared transformation scenes. Such a scene he was preparing, and the early days of April, 1803, found the actors eagerly waiting it. All the struggles and passions of the last two years were crowded into the explosion of April. At St. Domingo, horror followed fast on horror. Rochambeau, shut in Port au Prince—drunken, reckless, . . . wallowing in the dregs of the former English occupation and of a half-civilized Negro empire—waged as he best could a guerrilla war, hanging, shooting, drowning, burning all the Negroes he could catch; hunting them with fifteen hundred bloodhounds bought in Jamaica for something more than one hundred dollars each; wasting money, squandering men; while Dessalines and Christophe massacred every white being within their reach. To complete Bonaparte's work, from which he wished to turn the world's attention, high among the Jura Mountains, where the ice and snow had not yet relaxed their grip upon the desolate little fortress and its sunless casemate, in which for months nothing but Toussaint's cough had been heard, Commander Arnot wrote a brief military report to the Minister of Marine: 'On the 17th [April 7], at half-past eleven o'clock of the morning, on taking him his food, I found him dead, seated on his chair near his fire!' According to Tavernier, doctor of medicine and *chirurgien* of Pontarlier, who performed the autopsy, pleuropneumonia was the cause of Toussaint's death.

Toussaint never knew that St. Domingo had successfully resisted the whole power of France, and that had he been truer to himself and his color he might have worn the crown that became the plaything of Christophe and Dessalines; but even when shivering in the frosts of the Jura, his last moments would have glowed with gratified revenge had he known that at the same instant Bonaparte was turning into a path which the Negroes of St. Domingo had driven him to take and which was to lead him to par-

allel at St. Helena the fate of Toussaint himself at the Château de Joux. In these days of passion, men had little time for thought; and the last subject on which Bonaparte thereafter cared to fix his mind was the fate of Toussaint and Leclerc. That the 'miserable Negro,' as Bonaparte called him, should have been forgotten so soon was not surprising; but the prejudice of race alone blinded the American people to the debt they owed to the desperate courage of five hundred thousand Haytian Negroes who would not be enslaved.

Monroe arrived in sight of the French coast April 7, 1803; but while he was still on the ocean, Bonaparte, without reference to him or his mission, opened his mind to Talleyrand in regard to ceding Louisiana to the United States.

The suddenness of Bonaparte's change disconcerted Livingston. For months he had wearied the First Consul with written and verbal arguments, remonstrances, threats—all intended to prove that there was nothing grasping or ambitious in the American character; that France should invite the Americans to protect Louisiana from the Canadians; that the United States cared nothing for Louisiana, but wanted only West Florida and New Orleans—'barren sands and sunken marshes,' he said; 'a small town built of wood; . . . about seven thousand souls'; a territory important to the United States because it contained 'the mouths of some of their rivers,' but a mere drain of resources to France. To this rhapsody, repeated day after day for weeks and months, Talleyrand had listened with his imperturbable silence, the stillness of a skeptical mind into which such professions fell meaningless; until he suddenly looked into Livingston's face and asked: 'What will you give for the whole?' Naturally Livingston for a moment lost countenance.

A week was next passed in haggling over the price. Livingston did his utmost to beat Marbois down, but without success. Meanwhile, he ran some risk of losing everything; for when Bonaparte offered a favor suitors did well to waste no time in acceptance. A slight weight might have turned the scale; a divulgence of the secret, a protest from Spain, a moment of irritation at Jefferson's coquetry with England or at the vaporings of the American press, a sudden perception of the disgust which every true Frenchman was sure sooner or later to feel at this squandering of French territory and enterprise—any remonstrance that should stir the First Consul's pride or startle his fear of posterity

might have cut short the thread of negotiation. Livingston did not know the secrets of the Tuileries, or he would not have passed time in cheapening the price of his purchase. The voice of opposition was silenced in the French people, but was still so high in Bonaparte's family as to make the Louisiana scheme an occasion for scenes so violent as to sound like the prelude to a tragedy.

May 1, Monroe was presented at the Tuileries, and dined there with Livingston; but Bonaparte said nothing of their business, except that it should be settled. The same evening the two envoys had a final discussion with Marbois. 'May 2, we actually signed the treaty and convention for the sixty million francs to France, in the French language; but our copies in English not being made out, we could not sign in our language. They were, however, prepared, and signed in two or three days afterward. The convention respecting American claims took more time, and was not signed till about the eighth or ninth.' All these documents were antedated to the thirtieth of April.

The first object of remark in this treaty was the absence of any attempt to define the property thus bought and sold. 'Louisiana with the same extent that is now in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other States'—these words, taken from Berthier's original treaty of retrocession, were convenient for France and Spain, whose Governments might be supposed to know their own boundaries; but all that the United States Government knew upon the subject was that Louisiana, as France possessed it, had included a part of Florida and the whole Ohio Valley as far as the Alleghany Mountains and Lake Erie. The American commissioners at first insisted upon defining the boundaries, and Marbois went to the First Consul with their request. He refused. 'If an obscurity did not already exist, it would perhaps be good policy to put one there.' He intentionally concealed the boundary he had himself defined, a knowledge of which would have prevented a long and mortifying dispute. Livingston went to Talleyrand for the orders given by Spain to the Marquis of Somoruelo, by France to Victor and Laussat. 'What are the eastern bounds of Louisiana?' asked Livingston. 'I do not know,' replied Talleyrand; 'you must take it as we received it.' 'But what did you mean to take?' urged Livingston. 'I do not know,'

repeated Talleyrand. 'Then you mean that we shall construe it our own way?' 'I can give you no direction. You have made a noble bargain for yourselves, and I suppose you will make the most of it,' was the final reply of Talleyrand. Had Livingston known that Victor's instructions, which began by fixing the boundaries in question, were still in Talleyrand's desk, the answer would have been the same.

One point alone was fixed—the Floridas were not included in the sale; this was conceded on both sides. In his first conversation with Marbois, Livingston made a condition that France should aid him in procuring these territories from Spain. 'I asked him, in case of purchase, whether they would stipulate that France would never possess the Floridas, and that she would aid us to procure them, and relinquish all right that she might have to them. He told me that she would go thus far.' Several days later, Marbois repeated this assurance to Monroe, saying that the First Consul authorized him, besides offering Louisiana, 'to engage his support of our claim to the Floridas with Spain.' Yet, when the American commissioners tried to insert this pledge into the treaty, they failed. Bonaparte would give nothing but a verbal promise to use his good offices with Spain.

Besides the failure to dispose of these two points, which were in reality but one, the treaty contained a positive provision, Article III, taken from Bonaparte's *projet*, with slight alteration, that 'the inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States.' On republican principles of the Virginian school, only the States themselves could by a new grant of power authorize such an incorporation. Article III violated Madison's instructions, which forbade the promise. 'To incorporate the inhabitants of the hereby-ceded territory with the citizens of the United States,' said these instructions, 'being a provision which cannot now be made, it is to be expected, from the character and policy of the United States, that such incorporation will take place without unnecessary delay.' The provision, which Madison said could not be made, was nevertheless made by Livingston and Monroe.

Embarrassing as these omissions or provisions were, they proved not so much that the treaty was carelessly drawn as that the American nego-

tiators were ready to stipulate whatever was needed for their purpose. Other portions of the treaty were not to be defended on that excuse. The price stipulated for Louisiana was sixty million francs, in the form of United States six per cent bonds, representing a capital of \$11,250,000. Besides this sum of eleven and a quarter million dollars, the United States Government was to assume and pay the debts due by France to American citizens, estimated at twenty million francs, or, at the same rate of exchange, \$3,750,000 — making fifteen million dollars in all as the price to be paid. Livingston himself drew the claims convention with what he supposed to be particular attention; but it was modified by Monroe, and still further altered by Marbois. 'The moment was critical; the question of peace or war was in the balance; and it was important to come to a conclusion before either scale preponderated. I considered the convention as a trifle compared with the other great object,' avowed Livingston; 'and as it had already delayed us many days, I was ready to take it under any form.'

The claims convention was not signed till nearly a week after the signature of the treaty of cession. The form in which Livingston took it showed that neither he nor Monroe could have given careful attention to the subject; not only did the claims specified fail to embrace all the cases provided for by the Treaty of 1800, which this convention was framed to execute; not only were the specifications arbitrary, and even self-contradictory — but the estimate of

twenty million francs was far below the amount of the claims admitted in principle; no rule of apportionment was provided, and, worst of all, the right of final decision in every case was reserved to the French Government. The meaning of this last provision might be guessed from the notorious corruption of Talleyrand and his band of confidential or secret agents.

Doubtless Livingston was right in securing his main object at any cost; but could he have given more time to his claims convention, he would perhaps have saved his own reputation and that of his successor from much stain, although he might have gained no more than he did for his Government. In the two conventions of 1800 and 1803 the United States obtained two objects of the utmost value — by the first, a release from treaty obligations which, if carried out, required war with England; by the second, the whole west bank of the Mississippi River and the Island of New Orleans, with all the incidental advantages attached. In return for these gains the United States Government promised not to press the claims of its citizens against the French Government beyond the amount of three million seven hundred and fifty thousand dollars, which was one-fourth part of the price paid for Louisiana. The legitimate claims of American citizens against France amounted to many million dollars; in the result, certain favored claimants received three million seven hundred and fifty thousand dollars, less their expenses, which reduced the sum about one-half. . . .

II

Florida

UNDER THE LOUISIANA TREATY the United States had only a questionable right to West Florida. None the less, Jefferson and his successor, Madison, hoped that both West and East Florida would some day fall into American hands. By 1819 the expansionist desires of the United States and the weakness of Spain had resulted in adding that area to American territory.

1. THE UNITED STATES TAKES WEST FLORIDA

K. C. Babcock in his book, The Rise of American Nationality, describes how the United States acquired West Florida.³

THE PERSISTENT DESIRE of the United States to possess the Floridas, between 1801 and 1819, amounted almost to a disease, corrupting the moral sense of each succeeding administration. Jefferson's instructions to Monroe and Livingston in 1803, when they were sent to purchase control of the mouth of the Mississippi, explicitly stated that "a cession of the Floridas is particularly desired as obviating serious controversies." Under the terms of the Louisiana treaty the United States, without any real right, chose to assume that West Florida was a part of Louisiana as ceded by Spain to France and by France to the United States. Spain knew well and asserted vehemently that the United States was wrong, and the repeated attempt of Jefferson to quiet the issue by bribing or coercing Spain into yielding at least West Florida, added to her sense of outrage. The weak Spanish government in the Floridas, the presence of a mixed and turbulent population including many Americans in West Florida, and the spread of revolutionary spirit in Spanish America, combined to produce a crisis in 1810, when an insurrection against Spanish authority took place in West Florida. During the summer a convention was held for the purpose of securing a settled government. A quarrel with the governor, an assault on Baton Rouge, and the killing of the young commandant of that post, which followed, were mere incidents in that larger revolutionary struggle which was going on in Buenos Ayres, Caracas, and Mexico, for liberty and separation from Spain. The United States and Great Britain were alike interested politically and commercially in the outcome of these insurrections, the former in the Floridas and in Mexico, the latter in South America.

After the capture of Baton Rouge the revolutionists, whose leaders were chiefly English and Irish, in convention assembled declared themselves the representatives of the people of West Florida and proclaimed that territory a free and independent state. Hardly was this done when

the convention urged upon the secretary of state at Washington the annexation of the province to the United States. Madison knew all the ins and outs of the scheming, haggling, and negotiating of the previous seven years, looking to the acquisition of the territory; he knew the increasing importance of controlling the Gulf outlets of the rivers of the Alabama and Mississippi country; he saw also the numerous and seemingly insuperable obstacles in the way of recognition of the independence of West Florida. In a letter to Jefferson, in October, 1810, he revealed his mind: "The crisis of West Florida, as you will see, has come home to our feelings and our interests. . . . There is great weight in the considerations that the country to the Perdido, being our own, may be fairly taken possession of, if it can be done without violence: above all if there be danger of it passing to a third and dangerous party." Here was the whole thing in a nutshell—a desirable province, a convenient claim under the ambiguous Louisiana treaty, a weak and troubled opponent, and a shadowy "third party" eager to snatch the prize away.

The solution was Madison's remarkable proclamation of October 27, 1810, which declares that the United States has acquiesced in the temporary continuance of Spanish authority over West Florida; that complete adjustment of conflicting claims has been too long delayed, through no fault of the United States; that further failure to possess themselves of the territory might be construed to the detriment of the claim of the United States; "that in the hands of the United States it will not cease to be a subject of fair and friendly negotiation and adjustment"; and, finally, that Governor W. C. C. Claiborne, of the Orleans territory, has been directed to take possession of all the territory from the Mississippi to the Perdido, and to govern it as an integral part of his own territory. The chief restriction upon Claiborne was that he should not proceed to employ force in the seizure of territory belonging to a just and friendly power. Jefferson had acquired Louisiana by regular and proper negotiation, swallowing his doubts as to the unconstitutionality of his proceedings. His successor in the Republican presidency, without the formality of negotiation, with scarcely a compunction at the disregard of international usages, with a speciousness bordering on recklessness, asserted jurisdiction over the province of West Florida, still the subject of fair and friendly negotiations.

Small wonder that Morier, Great Britain's

³ K. C. Babcock, *The Rise of American Nationality* (New York: Harper & Brothers, 1906), pp. 22-26. Copyright, 1906, by Harper & Brothers. Copyright, 1934, by Harriet A. Sweet. Used by permission of the publisher.

chargé d'affaires, wrote a vigorous protest to the secretary of state. But under the circumstances the good or ill opinion of a British diplomatic officer mattered little to the administration. Congress promptly took up the question of organizing the new territory, and there was much reference back to the acts of 1803-1804, authorizing the occupation, and directing the organization of the Louisiana cession. Senator Giles went so far as to propose a bill for the extension of the territory of Orleans to the Perdido River, but even the wisest men were not ready to assert quite so dogmatically that West Florida belonged to Louisiana. In the end, part of the district was added to the new state of Louisiana, as already described; and the remainder was annexed to the territory of Mississippi by the act of May 14, 1812, thus giving the desired outlet for all the country tributary to Mobile Bay. . . . [occupied in 1813]

2. THE ACQUISITION OF EAST FLORIDA

*The military successes of Andrew Jackson and the stern diplomacy of John Quincy Adams were sufficient to win the remainder of Florida for the United States by 1819. Thomas A. Bailey has presented a most interesting account of American action in acquiring Florida in his book, A Diplomatic History of the American People.*⁴

FOR SOME LITTLE WHILE Secretary Adams had been engaged in discussions with Luis de Onís, the Spanish minister in Washington, looking toward the acquisition of Florida and the settlement of other problems. The negotiations were proceeding rather favorably when an unexpected and dramatic incident threatened to disrupt completely all diplomatic relations.

Spain had greatly weakened her authority in East Florida by withdrawing troops to fight the South American insurgents. Amelia Island, an outpost near the Georgia border which had slipped away from Spanish control, became such an intolerable nest for buccaneers that an expedition authorized by the United States government seized the place in 1817. But far more offensive were the Seminole Indians of Florida, who, joined by runaway Negroes, white renegades and others, periodically sallied across the

international line to pillage, burn, and murder. Although the Indians themselves had grievances against the Americans, the harboring of such a villainous lot of outcasts by the Spanish government was a violation of the good neighbor pledge embodied in the Pinckney Treaty of 1795. Spain, however, was admittedly powerless to control or restrain these lawless bands.

Late in 1817, Andrew Jackson, hero of New Orleans and idol of the Southwest, was commissioned by the Washington government to chastise the Seminoles. His general instructions were broad; and he was authorized to pursue the Indians across the Spanish boundary, if necessary. He was, however, to respect all posts under the Bourbon flag. Jackson later insisted that Monroe sent additional instructions through Congressman Rhea authorizing a seizure of the Spanish towns. This the President denied. In any event the hero of New Orleans apparently thought that he was proceeding with the blessing of the Administration.

The tempestuous Jackson, who hated both the Spaniard and the red man with all the venom of a Westerner, burst into Florida and seized the military post of St. Marks, in April, 1818, replacing the Spanish flag with the Stars and Stripes. Two British subjects, Alexander Arbuthnot and Robert Ambrister, had the misfortune to fall into Jackson's clutches. Charged with inciting the Indians against the whites, they were tried by a court martial and executed. The zealous Jackson reported to the Secretary of War:

I hope the execution of these two unprincipled villains will prove an awful example to the world, and convince the Government of Great Britain, as well as her subjects, that certain, though slow retribution awaits those unchristian wretches who, by false promises, delude and excite an Indian tribe to all the horrid deeds of savage war.

A short time later, learning that the Indians were being harbored at Pensacola, Jackson made a forced march and captured the town. Thus, in a few weeks' time, the energetic Tennessean had chastised the Indians, seized every important post in Florida save St. Augustine, confiscated the royal archives, deposed the Spanish governor and named an American in his place, executed two British subjects, and declared in force "the revenue laws of the United States." He later expressed regret that he did not hang the Spanish governor.

⁴ Thomas A. Bailey, *A Diplomatic History of the American People*, Second Edition (New York: F. S. Crofts and Co., 1915), pp. 168-176. Used by permission of Appleton-Century-Crofts, Inc.

"OLD HICKORY" RESTS ON HIS LAURELS

The news that the "ruffian" Jackson had "murdered" two British subjects on Spanish territory led to an explosion of indignation in England. "We can hardly believe," one London journal remarked, "that any thing so offensive to public decorum could be admitted, *even in America*!" The press seethed with demands for disavowal, apology, and reparation. A foreign envoy in London told the United States minister, Richard Rush, that "*we have had nothing of late so exciting; it smacks of war.*" Rush's own words are graphic:

Out-of-doors, excitement seemed to rise higher and higher. Stocks experienced a slight fall. The newspapers kept up their fire . . . [giving] vent to angry declamation. They fiercely denounced the Government of the United States. Tyrant, ruffian, murderer, were among the epithets applied to their commanding general. He was exhibited in placards through the streets. The journals, without distinction to party, united in these attacks.

For a while it seemed as if the British government would be forced to demand redress—even at the risk of war. But Lord Castlereagh concluded, after a thorough examination of the evidence, that Ambrister and Arbuthnot had been involved in "practices of such a description as to have deprived them of any claim on their own government for interference." Accordingly, the London authorities neither demanded redress nor supported the energetic protests of Spain. Lord Castlereagh later told Minister Rush that war might have broken out "if the ministry had but held up a finger." This seems to have been an exaggeration; but the situation was certainly one to cause anxiety on both sides of the Atlantic.

Apparently unmoved by international repercussions, Jackson returned to Tennessee amid the plaudits of the masses—more than ever the hero of the West. No maudlin sympathy was wasted on Ambrister and Arbuthnot; in the eyes of the Westerner they were entitled to no more consideration than a sheep-killing dog. "Among the people of the west," observed Niles' *Weekly Register*, "his [Jackson's] popularity is unbounded—old and young speak of him with rapture, and at his call, 50,000 of the most efficient warriors on this continent, would rise, armed, and ready for any enemy." At public dinners given in honor of the unrepentant Jackson, patriotic toasts were received with tumultu-

ous applause. In American eyes he had not only put the fear of God into the treacherous dons and Indians, but he had hurled his glove into the face of the hated Britons. Tammany Hall passed a rousing resolution:

. . . Resolved That the conduct of General Jackson . . . was justified by the law of nations, and the laws of war, and the immutable principles of retaliation and self-defence; and we highly approve of the manly spirit of the American general, who promptly punished the offenders and culprits against humanity and the rights of his country, and taught foreign emissaries that the United States was not to be outraged by spies, traitors, and lawless adventurers.

But in Congress, where Jackson had powerful political enemies, including Henry Clay, the Florida raid was viewed more critically. A senatorial committee undertook an investigation, and its members began to carry arms after Jackson, raving "like a madman," allegedly threatened to cut off the ears of any who reported against him. After a twenty-seven day debate in Congress, during which the galleries were "crowded to suffocation" and cuspidors were overturned in the aisles, the four resolutions condemning Jackson's conduct were defeated by comfortable majorities. The news caused a slight fall of stocks in England, where the press renewed its denunciation of the "ruffian" Jackson. One British journal, at a loss to account for the unexpected result in the House, surmised that it was due to "the brutalizing influence of slavery." But Jackson was pleased, particularly when the people approved the judgment of Congress by tendering him rousing ovations in Philadelphia, New York, and Baltimore.

ADAMS LAYS DOWN THE LAW

The entire Cabinet, with one exception, agreed with President Monroe that Jackson had committed an unauthorized and unjustifiable act of war against Spain. But "Old Hickory" (though he did not know it then) had an unexpected champion in Secretary Adams, who, in spite of strong personal antipathies for the Westerner, held out for a defiant course in dealing with Spain. His arguments prevailed, and caused the Administration to abandon any intention it may have had of disciplining Jackson. This decision was made less difficult by the obvious popularity of the Florida invasion among the un-

III

Westward Advance

WITH VAST AREAS of land virtually unoccupied both east and west of the Mississippi River, the great westward migration gained momentum after the War of 1812. The rich Mississippi Valley received thousands of settlers as they pushed on seeking new homes and opportunities. Frederick Jackson Turner, who gained national fame as a scholar and writer on the West and frontier movements in American history, has given an excellent account of the westward advance between 1820 and 1830.⁵

THE HISTORY OF THE OCCUPATION of the Mississippi valley is the history of the colonization of a region far surpassing in area the territory of the old thirteen states. The explanation of this movement into the interior is a simple one. It was, indeed, but the continuation of the advance of the frontier which had begun in the earliest days of American colonization. The existence of a great body of land, offered at so low a price as to be practically free, inevitably drew population toward the West. When wild lands sold for two dollars an acre, and, indeed, could be occupied by squatters almost without molestation, it was certain that settlers would seek them instead of paying twenty to fifty dollars an acre for farms that lay not much farther to the east—particularly when the western lands were more fertile. The introduction of the steamboat on the western waters in 1811, moreover, had revolutionized transportation conditions in the West. At the beginning of the period of which we are treating, steamers were ascending the Mississippi and the Missouri, as well as the Ohio and its tributaries. By 1820 there were sixty steamboats on the Mississippi and Ohio; ten years later there were over two hundred and thirty. This explains some of the extension of settlement, for it was now possible to carry supplies up the river-courses and to secure a better outlet for agricultural products. Between the close of the War of 1812 and 1830, also the Indian title was extinguished to vast regions in the West. Half of Michigan was opened to settlement; the northwestern quarter of Ohio was

freed; in Indiana and Illinois (more than half of which had been Indian country prior to 1816) all but a comparatively small region of undesired prairie lands south of Lake Michigan was gained; almost the whole state of Missouri was freed from its Indian title; and, in the Gulf Region, at the close of the decade, the Indians held but two isolated islands of territory, in western Georgia and eastern Alabama and in northern and central Mississippi. These ceded regions were the fruit of the victories of William Henry Harrison in the Northwest, and of Andrew Jackson in the Gulf Region. They were, in effect, conquered provinces, now open to colonization. . . .

By 1820 the effects of the War of 1812 and the rising tide of westward migration became manifest. Pioneer settlement spread along the river-courses of the Northwest well up to the Indian boundary. The zone of settlement along the Ohio had ascended the Missouri, in the rush to the Boone's Lick country, toward the centre of the present state. From the settlements of middle Tennessee a pioneer farming area reached southward to connect with the settlements of Mobile, and the latter became continuous with those of the lower Mississippi. Almost all of the most recently occupied area was but thinly settled. It represented the movement of the backwoodsman, with ax and rifle, advancing to the conquest of the forest. But closer to the old settlements a more highly developed agriculture was to be seen. Hodgson in 1821 describes plantations in northern Alabama in lands ceded by the Indians in 1818. Though settled less than two years, there were within a few miles five schools and four places of worship. One plantation had one hundred

⁵ Frederick Jackson Turner, "The Colonization of the West, 1820-1830," *The American Historical Review*, XI (January, 1906), pp. 206-321. Used by permission of the American Historical Association.

acres in cotton and one hundred and ten in corn, although a year and a half before then it was wilderness. . . .

By 1830 large portions of the Indian lands, which had been ceded between 1817 and 1829, were settled by a repetition of the same type of colonization. The unoccupied lands in Indiana and Illinois were prairie country, then deemed unsuited for settlement because of the lack of wood and drinking-water. It was the hardwoods that had been taken up in the Northwest, and, for the most part, the tracts a little back from the unhealthful bottom-lands, but in close proximity to the rivers, which were the only means of transportation before the building of good roads. A new island of settlement had appeared in the northwestern portion of Illinois and the adjacent regions of Wisconsin and Iowa, due to the opening of the lead-mines. Along the Missouri valley and in the Gulf Region the areas possessed in 1820 had increased in density of population. Georgia had spread her settlers into the Indian lands, which she had so recently secured by threatening a rupture with the United States; but there still remained in the Gulf Region two great areas of Indian country, surrounded by these white settlements. This incongruous Indian element was to be swept away by the presidency of Andrew Jackson. . . .

The leaders of this Southern element came, in considerable measure, from well-to-do classes, who migrated to improve their conditions in the freer opportunities of a new country. Land speculation, the opportunity of political preferment, and the advantages which these growing communities brought to practitioners of the law combined to attract men of this class. Many of them, as we shall see, brought their slaves with them, under the systems of indenture which made this possible. Missouri, especially, was sought by the larger planters with their slaves. But it was the poorer whites, the more democratic, non-slaveholding element of the South, which furnished the great bulk of settlers north of the Ohio. Prior to the close of the decade the same farmer type was in possession of large parts of the Gulf Region; but here, through the whole of our period, the slaveholding planters came in increasing numbers.

Two of the families which left Kentucky for the newer country in these years will illustrate the movement. The Lincoln family had reached that state by migration from the North with the stream of backwoodsmen which bore along with

it the Calhouns and the Boones. Abraham Lincoln was born in a hilly, barren portion of Kentucky in 1809. In 1816, when Lincoln was a boy of seven, his father, a poor carpenter, took his family across the Ohio on a raft, with a capital consisting of his kit of tools and several hundred gallons of whiskey. In Indiana he hewed a path into the forest to a new home in the southern part of the state, where for a year the family lived in a "half-faced camp," or open shed of poles, clearing their land. In the hardships of the pioneer life Lincoln's mother died, as did many another frontier woman. By 1830 Lincoln had become a tall, strapping youth, six feet four inches in height, able to sink his ax deeper than other men into the opposing forest. At that time his father moved to the Sangamon country of Illinois with the rush of land-seekers into that new and popular region. Near the home of Lincoln in Kentucky was born, in 1808, Jefferson Davis, whose father, shortly before the War of 1812, went with the stream of southward movers to Louisiana and then to Mississippi. Davis's brothers fought under Jackson in the War of 1812, and the family became typical planters of the Gulf Region.

Meanwhile, the roads that led to the Ohio valley were followed by an increasing tide of settlers from the East. "Old America seems to be breaking up, and moving westward," wrote Birkbeck in 1817, as he passed on the National Road through Pennsylvania.

We are seldom out of sight, as we travel on this grand track, towards the Ohio, of family groups, behind and before us. . . . A small waggon (so light that you might almost carry it, yet strong enough to bear a good load of bedding, utensils, and provisions, and a swarm of young citizens,—and to sustain marvellous shocks in its passage over these rocky heights) with two small horses; sometimes a cow or two, comprises their all; excepting a little store of hard earned cash for the land office of the district; where they may obtain a title for as many acres as they possess half-dollars, being one fourth of the purchase-money. The waggon has a tilt, or cover, made of a sheet, or perhaps a blanket. The family are seen before, behind, or within the vehicle, according to the road or the weather, or perhaps the spirits of the party. . . . A cart and single horse frequently affords the means of transfer, sometimes a horse and pack-saddle. Often the back of the poor pilgrim bears all his effects and his wife follows, naked-footed, bending under the hopes of the family.

McLean of Ohio said in the House of Representatives in 1825:

In a favorable season for emigration, the traveller upon this highway will scarcely lose sight of passengers, of some description. Hundreds of families are seen migrating to the West, with ease and comfort. Drovers from the West, with their cattle, of almost every description, are seen passing eastward, seeking a market on this side of the mountains. Indeed, this road may be compared to a great street, or thoroughfare, through some populous city — travelers on foot, on horseback, and in carriages, are seen mingling on its paved surface.

The Southerners who came by land along the many bad roads through Tennessee and Kentucky usually traveled with heavy, schooner-shaped wagons, drawn by four or six horses. These family groups, crowding roads and fords, marching toward the sunset, with the canvas-covered wagon, ancestor of the prairie-schooner of the later times, were typical of the overland migration. The poorer classes traveled on foot, sometimes carrying their entire effects in a cart drawn by themselves. Those of more means took horses, cattle, and sheep, and sometimes sent their household goods by wagon or by steamboat up the Mississippi.

The routes of travel to the western country were numerous. Prior to the opening of the Erie Canal, the New England element either passed along the Mohawk and the Genesee turnpike to Lake Erie; or crossed the Hudson and followed the line of the Catskill turnpike to the headwaters of the Allegheny; or, by way of Boston, took ship to New York, Philadelphia, or Baltimore, in order to follow a more southerly route. In Pennsylvania the principal route was the old road which, in a general way, followed the line that Forbes had cut in the French and Indian War from Philadelphia to Pittsburgh by way of Lancaster and Bedford. By this time the road had been made a turnpike through a large portion of its course. From Baltimore the traveler followed a turnpike to Cumberland, on the Potomac, where began the Old National Road across the mountains to Wheeling on the Ohio, with branches leading to Pittsburgh. This became one of the great arteries of western migration and commerce, connecting, as it did, at its eastern end, with the Shenandoah valley, and thus affording access to the Ohio for large areas of Virginia. Other routes lay through the passes into West Virginia, easily reached from the divide between the waters of North Carolina

and of West Virginia. Saluda Gap, in northwestern South Carolina, led the way to the great valley of eastern Tennessee. In Tennessee and Kentucky many routes passed to the Ohio in the region of Cincinnati or Louisville.

When the settler arrived at the waters of the Ohio, he either took a steamboat, or placed his possessions on a flatboat, or ark, and floated down the river to his destination. From the upper waters of the Allegheny many emigrants took advantage of the lumber-rafts, which were constructed from the pine forests of southwestern New York, to float, with themselves and their belongings, to the Ohio. With the advent of the steamboat these older modes of navigation were, to a considerable extent, superseded. But navigation on the Great Lakes had not sufficiently advanced by the end of the decade to afford opportunity for any considerable movement of settlement, by this route, beyond Lake Erie. . . .

Arrived at the nearest point to his destination on the Ohio, the emigrant either cut out a road to his new home, or pushed up some tributary of that river in a keel-boat. If he was one of the poorer classes, he became a squatter on the public lands, trusting to find in the profits of his farming the means of paying for his land. Not uncommonly, after clearing the land, he sold his improvements to the actual purchaser, under the customary usage, or by pre-emption laws. With the money thus secured he would purchase new land in a remoter area, and thus establish himself as an independent landowner. Under the credit system which existed at the opening of the period, the settler purchased his land at two dollars per acre, by a cash payment of fifty cents and the rest in instalments running over a period of four years; but by the new law of 1820 the settler was permitted to buy a tract of eighty acres from the government at a minimum price of a dollar and a quarter per acre, without credit. The price of labor in the towns along the Ohio, coupled with the low cost of provisions, made it possible for even a poor day-laborer from the East to accumulate the necessary amount to make his land-purchase.

Having in this way settled down either as a squatter or as a landowner, the pioneer proceeded to hew out a clearing in the midst of the forest. Commonly he had selected his lands with reference to the value of the soil, as indicated by the character of the hardwoods, but this meant that the labor of clearing was the more severe. Under the sturdy strokes of his ax the

light of day was let into the little circle of cleared ground. With the aid of his neighbors, called together under the social attractions of a "raising," with its inevitable accompaniment of whiskey and a "frolic," he erected his log-cabin. If he was too remote from neighbors or too poor to afford a cabin, as in the case of Lincoln's father, a rude half-faced camp served the purpose for the first months of his occupation. "America," wrote Birkbeck, "was bred in a cabin."

Having secured a foothold, the settler next proceeded to "girdle" or "deaden" an additional forest area, preparatory to his farming operations. *This consisted in cutting a ring through the bark around the lower portion of the trunk, to prevent the sap from rising. In a short time the withered branches were ready for burning, and in the midst of the blackened stumps the first crop of corn and vegetables was planted. . .*

The peculiar skill required of the axman who entered the hardwood forests, together with readiness to undergo the privations of the life, made the backwoodsman in a sense an expert engaged in a special calling. Frequently he was the descendant of generations of pioneers, who, on successive frontiers, from the neighborhood of the Atlantic coast toward the interior, had cut and burned the forest, fought the Indians, and pushed forward the line of civilization. He bore the marks of the struggle in his face, made sallow by living in the shade of the forest, "shut from the common air," and in a constitution often racked by malarial fever. Dirt and squalor were too frequently found in the squatter's cabin, and education and the refinements of life were denied to him. Often shiftless and indolent, in the intervals between his tasks of forest-felling he was fonder of hunting than of a settled agricultural life. With his rifle he eked out his sustenance, and the peltries furnished him a little ready cash. His few cattle grazed in the surrounding forest and his hogs fed on its mast.

The backwoodsman of this type represented the outer edge of the advance of civilization. Where settlement was closer, co-operative activity possible, and little villages, with the mill and retail stores, existed, conditions of life were ameliorated, and a better type of pioneer was found. Into such regions circuit-riders and wandering preachers had carried the beginnings of church organization, and schools were started. But the frontiersmen proper constituted a moving class, ever ready to sell out their clearings in order to press on to a new frontier, where game

more abounded, soil was reported to be better, and where the forest furnished a welcome retreat from the uncongenial encroachments of civilization. If, however, he was thrifty and forehanded, the backwoodsman remained on his clearing, improving his farm and sharing in the change from wilderness life.

Beyond the type of the backwoodsman came the type of the pioneer farmer. Equipped with a little capital, he often, as we have seen, purchased the clearing, and thus avoided some of the initial hardships of pioneer life. In the course of a few years, as sawmills were erected, frame-houses took the place of the log-cabins; the rough clearing, with its stumps, gave way to well-tilled fields; orchards were planted; livestock roamed over the enlarged clearing; and an agricultural surplus was ready for export. Soon the adventurous speculator offered corner lots in a new town-site, and the rude beginnings of a city were seen.

Thus western occupation advanced in a series of waves: the Indian was sought by the fur-trader; the fur-trader was followed by the frontiersman, whose cattle exploited the natural grasses and the acorns of the forest; next came the wave of primitive agriculture, followed by more intensive farming and city life. All the stages of social development went on under the eye of the traveller as he passed from the frontier toward the East. Such was the process which was steadily pushing its way into the American wilderness, as it had for generations.

While thus the frontier folk spread north of the Ohio and up the Missouri, a different movement was in progress in the Gulf Region. In the beginning precisely the same type of occupation was to be seen. The poorer classes of Southern emigrants cut out their clearings along rivers that flowed to the Gulf and to the lower Mississippi, and, with the opening of this decade, went in increasing numbers into Texas, where enterprising Americans had secured concessions from the Mexican government. But while this movement of log-cabin pioneers was entering the Gulf Plains, caravans of slaveholding planters were advancing from the seaboard to the occupation of the cotton-lands of the same region. As the free farmers of the interior had been replaced in the upland country of the South by the slaveholding planters, so now the frontiersmen of the Southwest were pushed back from the more fertile lands into the pine hills and barrens. Not only was the pioneer unable to refuse the higher price which was offered him

for his clearing, but, in the competitive bidding of the public land sales, the wealthier planter secured the desirable soils. Social forces worked to the same end. When the pioneer invited his slaveholding neighbor to a "raising," it grated on his sense of the fitness of things to have the guest appear with gloves, directing the gang of slaves which he contributed to the functions. Little by little, therefore, the old pioneer life tended to retreat to the less desirable lands, leaving the slaveholder in possession of the rich "buck-shot" soils that spread over central Alabama and Mississippi and the fat alluvium that lined the eastern bank of the Mississippi. Even at the present time, the counties of dense negro population reveal the results of this movement of segregation.

By the side of the picture of the advance of the pioneer farmer, bearing his household goods in his canvas-covered wagon to his new home across the Ohio, must therefore be placed the picture of the Southern planter, crossing through the forest of western Georgia, Alabama, and Mississippi, or passing over the free state of Illinois to the Missouri valley, in his family carriage, with servants, packs of hunting-dogs, and a train of slaves, their nightly camp-fires lighting up the wilderness where so recently the Indian hunter had held possession. . . .

After 1830 the differences between the northern and southern portions of the Mississippi valley were accentuated. From New York and New England came a tide of settlement, in the thirties, which followed the Erie Canal and the Great Lakes, and began to occupy the prairie lands, which had been avoided by the Southern axmen. This region became an extension of the Greater New England already to be seen in New York. The Southern pioneers in the Northwest formed a transitional zone between this northern area and the slave states south of the Ohio. In the Gulf Plains a Greater South was in process of formation, but by no means completely established. As yet it was a mixture of pioneer and planter, slave and free, profoundly affected by its Western traits. The different states of the South were steadily sending in their colonists. In Alabama, for example, the Georgians settled, as a rule, in the east; the Tennesseans, moving from the great bend of the Tennessee River, were attracted to the northern and middle section; and the Virginians and Carolinians went to the west and southwest, following the bottom-lands near the rivers.

By 1820 the West had developed the begin-

nings of many of the cities which have since ruled over the region. Buffalo and Detroit were hardly more than villages until the close of this period, when Buffalo counted over 8,000 souls. They waited for the development of steam navigation on the Great Lakes and the opening of the prairies. Cleveland was but a hamlet during most of the decade. By 1830 the construction of the canal connecting the Cuyahoga with the Scioto increased her prosperity, and her harbor began to profit by its natural advantages. As the metropolis of the Western Reserve, it had an important future; but at the beginning of the decade of which we write its population was only one hundred and fifty, and at its close only one thousand. Chicago and Milwaukee were mere fur-trading stations in Indian country until the close of the decade. Pittsburg, at the head of the Ohio, was losing its old pre-eminence as the gateway to the West, but was finding recompense in the development of its manufactures. By 1830 its population was about twelve thousand. Foundries, rolling-mills, nail-factories, steam-engine works, and distilleries were busily at work; and the city, dingy with the smoke of soft coal, was already dubbed the "young Manchester" or the "Birmingham" of America.

By 1830 Wheeling had intercepted much of the overland trade and travel to the Ohio, profiting by the Old National Road and the wagon trade from Baltimore. As the head of navigation during low water and by its location below Pittsburg, it gave readier access to the Ohio valley. . . . Cincinnati was rapidly rising to the position of the Queen City of the West. Situated where the river reached with a great bend toward the interior of the Northwest, in the rich farming country between the two Miamis, and opposite the Licking River, it was the commercial centre of a vast and fertile region of Ohio and Kentucky. Its population was recruited chiefly from Pennsylvania, New Jersey, and New York, and it had a reputation for cleanliness and thrift, and for its newspapers and periodicals, its educational facilities, and its churches. By 1830, with 24,800 souls and some three thousand dwellings, mostly brick, it was the most populous city of the West, with the exception of New Orleans. The centre of steamboat-building, it also received extensive imports of goods from the East and exported the surplus crops of Ohio and adjacent parts of Kentucky. Its principal industry, however, was pork-packing, from which it won the name of "porkopolis." By the close

of the decade its annual exports averaged over \$1,500,000 and its imports over \$4,000,000. When the canals between Lake Erie and the Ohio were opened, about 1830, it profited by the trade of the central portion of the state. Louisville, at the Falls of the Ohio, was an important place of transshipment, and the export centre for large quantities of tobacco. There were considerable manufactures of rope and bagging, products of the Kentucky hemp-fields, and new cotton and woolen factories were struggling for existence. By 1830 it had a population of about ten thousand. St. Louis occupied a unique position, as the entrepôt of the important fur-trade of the upper Mississippi and the vast water system of the Missouri, as well as the outfitting-point for the Missouri settlements. The French element was still important, but was gradually giving way to adventurous Americans. St. Louis's interests included the far-off region of the Columbia and the ancient Spanish settlements about Santa Fé. It was the capital of the Far West, and the commercial centre for Illinois.

Its population at the close of the decade was about six thousand.

Only a few villages lay along the Mississippi between St. Louis and New Orleans. Memphis and Vicksburg were small centres for the neighboring planters, but without particular significance at this time; Natchez was an old settlement, reminding visitors of a West-Indian town. New Orleans was the emporium of the whole Mississippi valley. As yet the direct effect of the Erie Canal was chiefly limited to the state of New York. There was only the beginning of steam navigation on the Great Lakes, and the Ohio was not connected with them by canals until the close of the period. The great bulk of western exports passed down the tributaries of the Mississippi to New Orleans. It was, therefore, the centre of foreign exports for the valley, as well as the port from which the coastwise trade in the products of the whole interior departed. In 1830 its population was nearly fifty thousand. . . .

IV

Texas

TEXAS WAS ANOTHER FRONTIER which was beginning to attract the attention of many American settlers by 1820. Even before the request of Moses Austin to settle three hundred families in Texas had been confirmed by the Spanish government in 1821, impatient colonists looked longingly at the rich farm and pasture lands in the new Southwest. After his father died, Stephen F. Austin asked for and received of the newly independent Mexican government the land grant concessions promised to his father. Thus, by 1823 the way was open for American colonization in Texas. The interest of Americans in Texas and settlement under the Mexican colonization law of 1824 have been well told by Eugene C. Barker in his *Life of Stephen F. Austin*⁶

THE STAGE WAS WELL SET therefore for the migration to Texas. The stream of population flowing westward with resistless momentum had reached the borders of the provinces. From Louisiana one need only step across the more or less imaginary boundary and "squat" on Spanish

soil. For the rest of the west it was but three days' sail from the mouth of the Mississippi or a ten days' trek from Natchitoches on Red River. With many pinched by the hard times following the panic, others who had bought land from individuals dispossessed and ruined by creditors desperately seeking to avert from themselves a similar fate, and government lands obtainable for a new start only by the cash pay-

⁶Eugene C. Barker, *The Life of Stephen F. Austin* (Austin: The Texas State Historical Association, 1949), pp. 82-84, 137-142 and 149. Used by permission of the Texas State Historical Association.

ment of \$1.25 an acre in real money, is it strange that Austin's announcement of generous grants at nominal price and easy terms opened to their imaginations new visions of hopeful opportunity?

Two weeks after his return from Texas, and before learning that his application to settle three hundred families was granted, Moses Austin wrote, "I have been offered as many names of respectable families as will make up the number." "Everyone has the highest opinion of his plans," wrote Mrs. Austin, "and many only waiting till they know he has made the establishment, when they mean to follow him." From Natchitoches in October, 1821, Stephen F. Austin, returning from his reconnaissance of Texas, wrote Governor Martínez that he had found there nearly a hundred letters of inquiry from Missouri and many from Kentucky. "I am convinced," he said, "that I could take on fifteen hundred families as easily as three hundred if permitted to do so." On November 3 a member of the territorial legislature of Arkansas wrote, "The Spanish Country is all the rage in the southern end of the Territory and if I could wait two months I have no doubt that my company would consist of fifty persons, most of whom would intend making corn before their return. If no interruption in government takes place, a great many of the most respectable farmers in this country will certainly move immediately on to your grant." From Opelousas one wrote, "I would be glad to know at what time you will be at Natchitoches. There some of my neighbors and me will meet you and if you will grant us land we will proceed on and make corn." Another, from St. Francisville, Louisiana, "It is probable there will be several small families of us will go together, if I like the prospect." An inquirer from Missouri wrote, "I expect, Sir, if I can hear from you shortly, that early next Spring I can leave Cape Girardeau County with several respectable families together with several young men Mechanics of almost every description for that country, and will endeavor to be there in time to make a Crop." James Bryan, Austin's brother-in-law, wrote from Missouri, "I can assure you that a great number will move from this State, as also from other States and the Arkansas Territory. I received at Herculaneum a number of letters addressed to you . . . the most of them from Kentucky, Ohio, Illinois, and Missouri." At the same time Mrs. Austin wrote that nothing was talked of but the province of Texas, and she thought a third of the popula-

tion of Missouri would move in another year, if reports continued favorable. Observers at Little Rock reported many families passing that place for Texas, and forecast an "immense emigration" the following spring. Austin's partner, J. H. Hawkins, wrote from New Orleans on February 6, 1822, that four vessels had recently sailed for the Colorado, and declared that if the *Lively* had returned from its first voyage with a good report, the province would be crowded to overflowing. One man had offered him three hundred families from Tennessee. Indeed, he said, hundreds were already on the way and thousands were ready to go at the first encouraging word from Austin. From another angle, Governor Martínez wrote his superior as early as December 1, that the permit to Austin was considered in the United States as opening the door to all and had already resulted in the entrance of five hundred families — the worst, he added, that the United States could produce. All of these estimates were exaggerations, of course, but they indicate truly a great interest in the new outlet to the southwest. . . .

The colonization law invited immigrants who fulfilled requirements of the federal law to settle in Coahuila and Texas. Foreigners already in the state who desired land must go before the local ayuntamiento of the district and take the oath to observe the federal and state constitutions and the Catholic religion; others must on arrival prove their "Christian and good moral character" by testimonials from the place of their emigration. Wishing to increase the population of the state as rapidly as possible, the framers of the law provided both for the settlement of individual families and for colonies introduced by empresarios, or contractors. Families introduced by an empresario were entitled normally to a *labor* of land (one hundred and seventy-seven acres) for farming and twenty-four *labors* for cattle raising, making a total of a league (4,428 acres) in all. For this they must pay the state an acknowledgment in three installments, four, five, and six years from the date of the grant — \$30 for a league, \$3.50 for a *labor* of irrigable, and \$2.50 for a *labor* of non-irrigable land. Families immigrating independently, without the agency of an empresario, were entitled to one-fourth more than others. Unmarried men with an empresario could obtain a quarter of a league and others a third, which could be augmented to a league after marriage. To encourage intermarriage, an additional quarter-league was allowed to those who mar-

ried Mexican women. All grants could be augmented by the governor, as the law said, for "family, industry, and activity"—meaning in proportion to the size of the household and its ability to utilize the land—and for the construction of improvements of semi-public utility. Lands must be "cultivated" or "occupied" within six years, but these terms were not defined, and in practice a very small improvement was sufficient to satisfy the legal requirements. Settlers could bequeath but not sell land before it was improved, and the heir inherited the obligation to cultivate. None could hold title after leaving the republic.

An empresario was one who settled at least one hundred families, for which he was entitled to a premium, or compensation, of five leagues of grazing land and five *labors* of farming land. But he could not obtain the premium for more than eight hundred families. The empresario contracts were limited to six years and were declared absolutely null, without obligation of compensation, if a hundred families had not been settled before the expiration of the term. This provision became important in determining the validity of certain contracts after the passage of a federal act in 1830 excluding immigrants from the United States. The state law tracked the federal act in guaranteeing contracts between the empresario and the colonists.

Various miscellaneous provisions of the law were important. It recognized specifically the reservations of the federal act prohibiting grants in the coast and border reserve without the approval of the superior government, forbidding grants in mortmain, limiting permanent holdings to a maximum of eleven leagues, and admitting the right of the federal government to regulate immigration, even to the extent of excluding settlers from a particular nation. It authorized sales to Mexicans, up to eleven leagues, for a hundred, a hundred and fifty, and two hundred dollars a league respectively for grazing, non-irrigable, and irrigable land—a provision which speculators used to considerable advantage some years later; declared that for six years there should be no essential change in the law; and granted exemption from general taxes for ten years. Indians were to have free markets in the settlements, and when they were sufficiently advanced in civilization were to receive land on the terms of other settlers. "In respect to the introduction of slaves," the law declared, "the new settlers shall subject themselves to the laws that are now, and shall be hereafter estab-

lished on the subject." And partly, perhaps, in anticipation of the labor shortage which would result from the exclusion of slaves, the governor was instructed to send to the political chief of Texas all vagrants and criminals sentenced in other parts of the state to military service, for work on the public roads and to be hired to individuals. This needs to be remembered in considering the indignation caused by a similar provision in the federal law of April 6, 1830.

While the intention of the legislature was certainly to encourage settlement of individuals, it proved in practice all but impossible to obtain land except through becoming a member of an empresario's colony. Families coming in without the agency of an empresario were expected to apply to the nearest ayuntamiento, which would indicate the land on which they were to settle and take steps to obtain title; but there were a number of difficulties in the way. First was the barrier of language. The immigrant could not deal with the ayuntamiento. Moreover the procedure was complicated, and the ayuntamiento had neither the knowledge nor the means necessary to carry it out. Finally, the greater portion of the habitable area of the province was soon covered with empresario grants, valid for six years, and no settlement could be made in them without the consent of the empresario. The difficulty of negotiating directly with the government under such conditions is well illustrated by the experience of settlers in East Texas, whose titles remained in suspense until the end of 1835. It is evident, therefore, that the empresarios gave their colonists a very real service in obtaining titles for them and relieving them of the burden of individual application to the ayuntamiento and the government. . . .

Before seeing the national colonization law, Austin had, on October 1, 1824, and again on November 6, applied to the federal provisional executive for permission to settle two or three hundred families on the vacant land in and adjoining his first settlement, particularly on the shores of Galveston Bay. He foresaw the development of a great cotton trade from Texas and asked at the same time for the legalization of the port of Galveston—which he declared best suited to large vessels—and for authority to found a town on the island. He had letters, he said, from more than two hundred families who wished to move to Texas, and his knowledge and experience would enable him to distribute land to them with the minimum disturbance of ex-

isting locations. His appeal was partly personal. Never again, he pointed out, would an empresario have to face the difficulties which he had overcome. His colonists had made the first dent in the wilderness, withstood the first shock of the Indians, suffered hunger and privation which, because of their hardihood and industry, new settlers would not encounter. Yet after three years of absorbing labor in bringing this to pass he found himself, through Saucedo's annulment of his contracts with the colonists, poorer than when he began, and he hoped by a new grant to recoup his losses. . . .

Control of colonization in Texas had now, however, passed to Coahuila, and on February 4, 1825, Austin forwarded a petition to the governor, asking permission to settle three hundred families. Many industrious farmers had already crossed the boundary of the province and stopped in East Texas, where there was no local organization, and where they could obtain neither titles nor protection from bad characters who infested this No Man's Land. By settling them on the Brazos and Colorado above his colony, he would be able to take the offen-

sive against the Indians and put a stop to the raids of the Tahuacanos, while the nation would gain the benefit of their enterprise and industry. At the same time he memorialized the legislature for a port on Galveston Bay, without which, he said, commerce would be paralyzed and agriculture strangled. After the passage of the colonization law, the governor granted the request to make the additional settlement, and on May 20, in response to a later application, extended the number to five hundred families. This was Austin's first contract with the state. He made another in 1827 for one hundred families and one in 1828 for three hundred, besides a contract for himself and Williams in 1831 for the settlement of eight hundred families of Mexicans and Europeans. . . .

The census of March 31, 1828, gave Austin's settlements 2,021; that of June 30, 1830, 4,248; and that of a year later 5,665. Before the end of 1833 seven hundred and fifty-five titles had been issued in Austin's various grants from the state, besides three hundred and ten in the original grant from the national government. . . .

V

The Spirit of Westward Expansion

THE MIGRATION OF AMERICANS into Texas continued at an accelerated pace during the 1820's. By 1836 the Texans, led by Sam Houston, had won their independence from Mexico. Nine years later, on March 1, 1845, Congress passed a Joint Resolution annexing Texas.

Meanwhile, Americans were looking longingly to Oregon and California. The United States got the Oregon country by treaty from Great Britain in 1846, and all the vast area westward from Texas to California was acquired after the war with Mexico, 1846-1848. The spirit and philosophy of expansion which seemed to keep driving Americans westward has been well summarized by Julius W. Pratt in his essay, "The Ideology of American Expansion."⁷

FROM THE YEAR 1620, when King James the First granted to the Council for New England certain "large and goodlye Territories" in order "to second and followe God's sacred Will," to the year 1898, when William McKinley alleged that

he had divine sanction for taking the Philippine Islands, it has been found possible to fit each successive acquisition of territory into the pattern of things decreed by divine will or inescapable destiny. The avowal of need or greed, coupled with power to take, has never satisfied our national conscience. We needed Florida and the mouth of the Mississippi; we thought we needed Canada, Texas, Oregon, California.

⁷ Reprinted from *Essays in Honor of William E. Dodd*, edited by Avery O. Craven, by permission of The University of Chicago Press. Copyright, 1935, by The University of Chicago. Pp. 335-346.

But when we took, or attempted to take, that which we needed, we persuaded ourselves that we were but fulfilling the designs of Providence or the laws of Nature. If some of the apologists for later ventures in expansion were more frank in avowing motives of "national interest," the pious or fatalistic justification was none the less present.

The idea of a destiny which presides over and guides American expansion has rarely, if ever, been absent from the national consciousness. The precise character of that destiny, however, as well as the ultimate goal to which it points, has varied with changing ideas and circumstances. One of its earliest forms was geographical determinism. Certain contiguous areas were thought of as surely destined for annexation because their location made them naturally part of the United States. This idea seems to have been the basis for Thomas Jefferson's sure conviction that Florida would inevitably become American territory. In this expectation his mind never wavered; he questioned only the time and the means. The settling of Americans in Florida, he wrote in 1791, "will be the means of delivering us peaceably, what may otherwise cost us a war." The failure of his own efforts to secure it did not shake his faith. In 1820, when it appeared likely that Spain would not ratify the Florida-purchase treaty, he wrote Monroe that this was not to be regretted. "Florida," he said, ". . . is ours. Every nation in Europe considers it such a right. We need not care for its occupation in time of peace, and, in war, the first cannon makes it ours without offence to anybody." Jefferson's belief was widely shared. Florida, said *Niles' Register* in 1819, "will just as naturally come into our possession as the waters of the Mississippi seek the sea; . . . We believe this is the universal conclusion of the United States . . ." The young expansionists who led the country into war in 1812 in the hope of conquering Canada and Florida appealed to the God of Nature in behalf of their plans. "In point of territorial limit, the map will prove its importance," one of them proclaimed. "The waters of the St. Lawrence and the Mississippi interlock in a number of places, and the great Disposer of Human Events intended those two rivers should belong to the same people"; while to another it appeared that "the Author of Nature has marked our limits in the south, by the Gulf of Mexico, and on the north, by the regions of eternal frost." If neither of these Congressmen was able to discern the westward limits set by the Author of Nature, this task

was performed by a writer for a southwestern paper, who asked rhetorically: "Where is it written in the book of fate that the American republic shall not stretch her limits from the capes of the Chesapeake to Nootka sound, from the isthmus of Panama to Hudson bay?" Even Cuba was thought of by some as drawn inevitably by geographic laws toward union with the United States. Upon this idea two men as dissimilar as Thomas H. Benton and John Quincy Adams could agree. The island, thought Benton, was "the geographical appurtenance of the valley of the Mississippi and eventually to become its political appurtenance." Adams, as Secretary of State, likened Cuba to an apple which, when detached from the parent tree, would be drawn by a law of political gravitation to the United States.

What were the "natural boundaries" of the young republic? One mode of determining them was defined by Jefferson. Writing to Madison in 1809 of the hope of acquiring Cuba, he said: "Cuba can be defended by us without a navy, and this develops the principle which ought to limit our views. Nothing should ever be accepted which would require a navy to defend it." Northwardly, Jefferson visioned Canada as eventually to be drawn under the American flag; southwardly, Florida, Cuba, and probably Texas. On the west he apparently thought of the Rocky Mountains as forming the natural boundary. The West Coast would be peopled "with free and independent Americans, unconnected with us but by the ties of blood and interest, and employing like us the rights of self-government." Sheer distance seemed an insuperable barrier to the incorporation of the Oregon country in the American Union. A representative from Oregon, it was asserted in 1825, if he visited his constituency once a year, would have but two weeks annually to spend in Washington; the remainder of the year would be spent in the journey to and fro. Even Senator Benton, who predicted that the future route to Asia would follow the Missouri and Columbia rivers, and who in 1825 argued in favor of military occupation of Oregon by the United States, believed that in settling that territory Americans would be planting the seed of a new republic. The natural western limit of the United States was "the ridge of the Rocky Mountains. . . . Along the back of this ridge, the Western limit of this republic should be drawn, and the statue of the fabled god, Terminus, should be raised upon its highest peak, never to be thrown down."

Such restricted ideas of the nation's natural

boundaries were not to survive for many years. Indeed, some three years before Benton made this speech, the conservative weekly, *Niles' Register*, made an interesting prophecy. News had been received of the successful arrival at Santa Fe of one of the first parties of traders from Missouri. Commenting on this exploit, the *Register* predicted that crossing the Rockies would soon be as familiar to the western people as was the voyage to China to the easterners. "It was very possible that the citizens of St. Louis, on the Mississippi, may eat fresh salmon from the waters of the Columbia! — for distance seems as if annihilated by science and the spirit of adventure." On July 4, 1828, the people of Baltimore, amid elaborate ceremony, watched Charles Carroll, of Carrollton, lay the cornerstone that marked the beginning of the Baltimore and Ohio Railroad. In his address from the president and directors of the company, Mr. John B. Morris assumed the role of prophet. "We are," he said, "about affording facilities of intercourse between the east and the west, which will bind the one more closely to the other, beyond the power of an increased population or sectional difficulties to disunite. We are in fact commencing a new era in our history." It was inevitable that the coming of the railroad and, later, of the telegraph should result in an expanding conception of the nation's natural boundaries. Daniel Webster could still maintain in 1845 that there would arise an independent "Pacific republic" on the west coast, but for many others the "throne of Terminus" had moved on from the Rockies to the shores of the Pacific. The *Democratic Review*, leading organ of the expansionists of the Mexican War era, predicted in 1845 that a railroad to the Pacific would soon be a reality, and that "the day cannot be far distant which shall witness the conveyance of the representatives from Oregon and California to Washington within less time than a few years ago was devoted to a similar journey by those from Ohio." The telegraph, furthermore, would soon enable Pacific coast newspapers "to set up in type the first half of the President's Inaugural, before the echoes of the latter half shall have died away beneath the lofty porch of the Capitol, as spoken from his lips." In the debate on the Oregon question in the House of Representatives in January, 1846, the significance of the Pacific as a natural boundary was repeatedly stressed. From the Atlantic to the Pacific, said Bowlin of Missouri, "we were by nature, ay, we were stamped by the hand of God himself, as one nation of men." Similarly, in the debate of

1844 and 1845 over the annexation of Texas, the Rio Grande with the neighboring strips of desert country had been portrayed as the divinely fixed natural boundary of the United States on the southwest.

If a divine hand had shaped the outlines of the North American continent with a view of its attaining political unity, the divine mind was thought to be by no means indifferent to the type of political organism which should dominate it. The American god of the early nineteenth century was the God of Democracy, and his followers had no doubt that he had reserved the continent for a democratic nation. Jefferson may not have regarded this consummation as a divinely appointed destiny, but he certainly contemplated as probable and desirable the spread of democratic institutions throughout the continent. The true flowering of this idea, however, belongs properly to the Jacksonian era, and its most enthusiastic exponent was the *Democratic Review*, a monthly magazine founded and for many years edited by Mr. John L. O'Sullivan. This exuberant Irish-American, whose faith in the institutions of his adopted country was irrepressible, not only coined the phrase "manifest destiny" but for years expounded in the pages of the *Review* the idea which it embodied.

The *Democratic Review* was founded in 1837. In the issue for November, 1839, appeared an article, presumably by O'Sullivan, entitled "The Great Nation of Futurity." This role was to be America's, it was argued, because the principle upon which a nation is organized fixes its destiny, and that of equality is perfect, is universal. . . . Besides, the truthful annals of any nation furnish abundant evidence, that its happiness, its greatness, its duration, were always proportionate to the democratic equality in its system of government. . . . We point to the everlasting truth on the first page of our national declaration, and we proclaim to the millions of other lands, that "the gates of hell" — the powers of aristocracy and monarchy — "shall not prevail against it."

Thus happily founded upon the perfect principle of equality, the United States was destined to a unique success. Her shining example should "smite unto death the tyranny of kings, hierarchs, and oligarchs." What all this portended for the future boundaries of the United States the writer did not state except in poetic language. "Its floor shall be a hemisphere," he wrote, "its roof the firmament of the star-studded heavens, and its congregation an Union of many Republics,

comprising hundreds of happy millions, . . . governed by God's natural and moral law of equality. . . ." Within a few years, however, the *Democratic Review* became sufficiently concrete in its ideas of the extent of the democratizing mission of the United States. Texas, Oregon, California, Canada, and much or all of Mexico, were to receive the blessings of American principles. The American continent had been reserved by Providence for the dawn of a new era, when men should be ready to throw off the antique systems of Europe and live in the light of equality and reason. The time was now at hand, and no American should shrink from the task of spreading the principles of liberty over all the continent. Cuba, too, had been left by Providence in the hands of a weak power until the United States was ready for it. Now it, like the rest, was "about to be annexed to the model republic."

The ideas so fervently preached in the *Democratic Review* were echoed in Congress and elsewhere. With reference to the Oregon controversy, James Buchanan asserted in 1841 that Providence had given to the American people the mission of "extending the blessings of Christianity and of civil and religious liberty over the whole North American continent." Breese of Illinois declared that "the impartial and the just" would see in the occupation of Oregon "a desire only to extend more widely the area of human freedom, . . . as an extension, sir, of that grand theatre, on which God, in his providence, and in his own appointed time, intends to work out that high destiny he has assigned for the whole human race." California was not forgotten. A letter from an American in that Mexican state, published in the *Baltimore Patriot*, commented on the way in which "our people, like a sure heavy and sullen tide, are overflowing the country"; and the writer declared that, while not himself an advocate of territorial aggression, he thought he could "foresee in the inevitable destiny of this territory, one of the most efficient fortresses from which new and liberal are to combat old and despotic institutions." Kaufman of Texas was sure the day was near "when not one atom of kingly power will disgrace the North American continent." Apologists for the war with Mexico were apt at urging its providential character and beneficent results. B. F. Porter, of Alabama, in an article on "The Mission of America," intimated that the war was a divine instrument for spreading American institutions and ideals to the Pacific; and Robert J. Walker, Secretary of the Treasury, inserted in his report

for December, 1847, a paragraph gratefully acknowledging the aid of a "higher than any earthly power" which had guided American expansion in the past and which "still guards and directs our destiny, impels us onward, and has selected our great and happy country as a model and ultimate centre of attraction for all the nations of the world."

Neither natural boundaries nor divinely favored institutions were in themselves sufficient to insure the peopling of the continent by the favored race. The third essential factor was seen in what more than one Congressman termed "the American multiplication table." "Go to the West," said Kennedy of Indiana in 1846, "and see a young man with his mate of eighteen; after the lapse of thirty years, visit him again and instead of two you will find twenty-two. This is what I call the American multiplication table." Apparently Jefferson had in mind this same fecundity of the Anglo Saxon race in America when he predicted in 1786 that "our confederacy must be viewed as the nest from which all America, North & South is to be peopled," and when in 1803 he expressed full confidence in the growth of such an American population on the Mississippi "as will be able to do their own business" in securing control of New Orleans. On the same principle, Barbour of Virginia foretold in 1825 the peopling of the Oregon country by Americans.

It was partly, too, upon the basis of this unexampled growth in numbers that the editor of the *Democratic Review* founded his doctrine of "manifest destiny." It was in an unsigned article in the number for July-August, 1845, that the phrase first appeared. The writer charged foreign nations with attempting to impede the annexation of Texas, with the object of "checking the fulfillment of our manifest destiny to overspread the continent allotted by Providence for the free development of our yearly multiplying millions." Texas, he said, had been absorbed into the Union in the inevitable fulfillment of the general law which is rolling our population westward; the connexion of which with that ratio of growth in population which is destined within a hundred years to swell our numbers to the enormous population of two hundred and fifty millions (if not more), is too evident to leave us in doubt of the manifest design of Providence in regard to the occupation of this continent.

When war with Mexico came, and the more rabid expansionists were seeking excuses for annexing large portions of Mexican territory, a

different side of the idea of racial superiority was advanced. The Mexicans, it seemed, had a destiny too — how different from that of their northern neighbors! "The Mexican race," said the *Democratic Review*, "now see, in the fate of the aborigines of the north, their own inevitable destiny. They must amalgamate and be lost, in the superior vigor of the Anglo-Saxon race, or they must utterly perish." The *New York Evening Post* indorsed the idea, sanctifying it in the name of Providence. "Providence has so ordained it; and it is folly not to recog-

nize the fact. The Mexicans are aboriginal Indians, and they must share the destiny of their race. . . ."

Thus manifest destiny, which must be thought of as embracing all the ideas hitherto considered — geographical determinism, the superiority of democratic institutions, the superior fecundity, stamina, and ability of the white race — became a justification for almost any addition of territory which the United States had the will and power to obtain.

Chapter Nine

The New Nationalism



John Marshall

THE YEAR 1815 was an important turning point in American history. It began a long period of relative peace in both America and Europe, and, for the first time, the United States was free to work out its own problems without fear of foreign interference. To a large degree, America turned her back on the Atlantic and faced westward.

The fifteen years following the War of 1812 were a period of great transition. The factory system became firmly established, a revolution began in transportation, people rushed westward to fill up new lands, a distinctive American character became more clearly fixed, and the United States proclaimed her supremacy in the western hemisphere.

But one of the most striking characteristics was the nationalistic feeling caused partly by the War of 1812. This "era of good feelings" was mostly on the surface, however, and sectional strife soon erupted over slavery and other problems. But for a time, strong tides of nationalism existed and, while severely tested by sectional controversies and civil war, ultimately became victorious after 1865.

What is the meaning of nationalism? "Nationalism," says Carlton J. Hayes, noted historian, "is a modern emotional fusion and exaggeration of two very old phenomena — nationality and patriotism." Hayes defines nationality as "any group of persons who speak a common language, who cherish common historical traditions, and who constitute, or think they constitute, a distinct cultural society in which, among other factors, religion and politics may have played important though not necessarily continuous roles."¹ The cultural characteristics of a nationality generally include a fairly uniform language which stimulates like-mindedness. When people think alike they are not apt to develop a sectional consciousness. Historic tradition and similar customs and manners of life also tend to promote national feeling, as do religion and political institutions. Patriotism may be defined as love for one's country or native land. Nationality and patriotism combined may properly define nationalism.

¹ The selection from Carlton J. Hayes, *Essays on Nationalism*. Copyright, 1926, by The Macmillan Company and used with The Macmillan Company's permission.

himself never gave up in theory his belief in the value of local self-government. Believing that the nation was safe if the people in the states were possessed of power to manage unmolested the great body of their own affairs, he clung to states' rights, dreaded consolidation, and disapproved of the tendency of the judiciary to establish national authority by constitutional construction. But fate and the way of the world were against localism. The heart of Jeffersonian principles, however, was not dying, but triumphant; the essentials of democratic government were daily more actively alive. Telling a buoyant westerner that the government must be in the hands of the wise, the good, and the rich would have been an extravagant indulgence in humor. As Taine has said of the men who made France a thousand years ago, these sturdy westerners had no need of ancestors, for they were ancestors themselves. . . .

The development of transportation, of means of communication, has been effective in building up nationalism and beating down localism. The nation was to attain and in the course of time did attain industrial integrity; without it, mere legal integrity would have been a shadow, should it survive at all. In the early west the steamboats—the old, but then brilliantly new, flat-bottomed steamboats—puffing their way up and down the countless rivers of the Mississippi basin made it possible to people the land quickly and to carry on with comparative comfort the task of winning the wilderness; they helped to bring the western communities together. But adequate ties with the east were lacking.

The waterways of the west were not enough. The westerners wanted roads. Late in Jefferson's administration, Gallatin, the Secretary of the Treasury, had mapped out a comprehensive plan for roads and canals, and a few years later a beginning was made on the Cumberland Road, which was intended to be a great highway connecting the east with the transmontane region. After the war the need of proper overland connection was stronger; if the western farmers were to market their own products with profit or were to obtain with any ease the products of eastern factories, there was need of more than the river systems. The easterners, too, might have felt more strongly than many appeared to do the advantage to be gained from cheaper food from the west.

A number of states entered separately upon plans for developing routes of communication within their own borders; but the problem of

interstate communication and especially of highways across the mountains was replete with difficulties. The individual states were incompetent—at least they were incompetent unless they banished all thoughts of economic rivalry, and that was of course impossible. This whole matter was of importance, not so much because it involved technical interpretation of the Constitution as because constitutional or institutional unity naturally rested on actual economic interdependence. The west was beginning to demand expenditures from the national government for western roads, and the demand continued.

But plans for road-building encountered sectional opposition as well as constitutional scruples. The seaboard states found as a rule no legal obligation preventing the government from attending to the seacoast harbors; but to build roads within the states was another matter. The westerners were aroused by the readiness with which money was granted for the coast and by the reluctance or refusal to make appropriations for the west. Clay in a forceful speech (1824), lauding the patriotism and devotion of the west to the union, presented an able argument for liberal interpretation of the Constitution and for a policy which did not confine its tender attention to the states bordering on the ocean. . . .

In his annual message of 1816, Madison called the attention of Congress "to the expediency of exercising their existing powers, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals. . . ." As he had already signed a bill for the establishment of the national bank, he might well have been expected to sign the "bonus bill," which provided for using the Bank bonus and the dividends for internal improvements; but his older scruples prevailed, and on the last day of his public life (March 3, 1817) he vetoed the bill. He declared his belief in the great importance of roads and canals and the improvement of watercourses, "and that a power in the National Legislature to provide for them might be exercised with signal advantage to the general prosperity"; but such power was not given by the Constitution and could not be deduced from it. ". . . The permanent success of the Constitution," he said, "depends on a definite partition of powers between the General and the State Governments"; and he objected to any "constructive extension" of the powers of Congress. In 1822,

Monroe took much the same position as his predecessor. In an elaborate paper accompanying his veto of an internal improvements bill, he descanted at length upon the nature of the union. Concerning the particular problem then under discussion he declared an amendment necessary before Congress could enter upon any control of internal improvements.

Both Madison and Monroe touched upon the meaning of the so-called "welfare clause" of the Constitution. Madison's position must be considered sound theoretically; Congress is granted the authority to tax; but the words to "provide for the common defense and general welfare" do not constitute a separate and substantive grant of authority. Congress has authority to raise money that it may exercise the powers

authorized specifically, and these are conveniently summarized as providing for the common defense and general welfare. Monroe asserted the right of Congress to appropriate freely for any purpose of a general character, even when it cannot control the object for which the money is spent; what he feared was the hand of the national government thrust within the borders of the state. . . .

Money was appropriated for repairs of the Cumberland Road. But the opposition in the south was beginning to stiffen, and New England was not willing to see money spent for the west. The subject of internal improvements was logically or practically associated with the tariff, a part of Clay's "American System"; and new sectional forces made themselves felt. . . .

II

American Political Leaders and the Spirit of Nationalism

IMMEDIATELY AFTER the War of 1812 there was a surprising unity and spirit of nationalism among the nation's political leaders. The establishment of the Second United States Bank and the passage of a higher tariff law were typical of the nationalistic policies.

I. PRESIDENT MADISON ON NATIONAL POLICIES

*In his annual message to Congress in 1815, President Madison recommended the consideration of national policies which he had formerly opposed; policies which were in line with the nationalistic trend of the time. He asked Congress to consider the establishment of a national bank and a higher tariff law, to increase the national defenses and, if it could be done constitutionally, to give support to internal improvements.*³

... THE ARRANGEMENTS OF THE FINANCES with a view to the receipts and expenditures of a permanent peace establishment will necessarily enter into the deliberations of Congress during the present session. It is true that the improved condition of the public revenue will not only

afford the means of maintaining the faith of the Government with its creditors inviolate, and of prosecuting successfully the measures of the most liberal policy, but will also justify an immediate alleviation of the burdens imposed by the necessities of the war. It is, however, essential to every modification of the finances that the benefits of an uniform national currency should be restored to the community. The absence of the precious metals will, it is believed, be a temporary evil, but until they can again be rendered the general medium of exchange it devolves on the wisdom of Congress to provide a substitute which shall equally engage the confidence and accommodate the wants of the citizens throughout the Union. If the operation of the State banks can not produce this result, the probable operation of a national bank will merit consideration; and if neither of these expedients be deemed effectual it may become necessary to ascertain the terms upon which the

³ James D. Richat, son, ed., *Messages and Papers of the Presidents* (Washington, 1896), I, pp. 564-568.

notes of the Government . . . shall be issued upon motives of general policy as a common medium of circulation.

Notwithstanding the security for future repose which the United States ought to find in their love of peace and their constant respect for the rights of other nations, the character of the times particularly inculcates the lesson that, whether to prevent or repel danger, we ought not to be unprepared for it. This consideration will sufficiently recommend to Congress a liberal provision for the immediate extension and gradual completion of the works of defense, both fixed and floating, on our maritime frontier, and an adequate provision for guarding our inland frontier against dangers to which certain portions of it may continue to be exposed. . . .

I recommend also an enlargement of the Military Academy already established, and the establishment of others in other sections of the Union; and I can not press too much on the attention of Congress such a classification and organization of the militia as will most effectually render it the safeguard of a free state. . . . With this subject is intimately connected the necessity of accommodating the laws in every respect to the great object of enabling the political authority of the Union to employ promptly and effectually the physical power of the Union in the cases designated by the Constitution. . . .

In adjusting the duties on imports to the object of revenue the influence of the tariff on manufactures will necessarily present itself for consideration. However wise the theory may be which leaves to the sagacity and interest of individuals the application of their industry and resources, there are in this as in other cases exceptions to the general rule. Besides the condition which the theory itself implies of a reciprocal adoption by other nations, experience teaches that so many circumstances must concur in introducing and maturing manufacturing establishments, especially of the more complicated kinds, that a country may remain long without them, although sufficiently advanced and in some respects even peculiarly fitted for carrying them on with success. Under circumstances giving a powerful impulse to manufacturing industry it has made among us a progress and exhibited an efficiency which justify the belief that with a protection not more than is due to the enterprising citizens whose interests are now at stake it will become at an early day not only safe against occasional competitions from abroad, but a source of domestic wealth and

even of external commerce. In selecting the branches more especially entitled to the public patronage a preference is obviously claimed by such as will relieve the United States from a dependence on foreign supplies, ever subject to casual failures, for articles necessary for the public defense or connected with the primary wants of individuals. . . .

Among the means of advancing the public interest the occasion is a proper one for recalling the attention of Congress to the great importance of establishing throughout our country the roads and canals which can best be executed under the national authority. No objects within the circle of political economy so richly repay the expense bestowed on them; there are none the utility of which is more universally ascertained and acknowledged; none that do more honor to the governments whose wise and enlarged patriotism duly appreciates them. Nor is there any country which presents a field where nature invites more the art of man to complete her own work for his accommodation and benefit. These considerations are strengthened, moreover, by the political effect of these facilities for intercommunication in bringing and binding more closely together the various parts of our extended confederacy. Whilst the States individually, with a laudable enterprise and emulation, avail themselves of their local advantages by new roads, by navigable canals, and by improving the streams susceptible of navigation, the General Government is the more urged to similar undertakings, requiring a national jurisdiction and national means, by the prospect of thus systematically completing so inestimable a work; and it is a happy reflection that any defect of constitutional authority which may be encountered can be supplied in a mode which the Constitution itself has providently pointed out.

The present is a favorable season also for bringing again into view the establishment of a national seminary of learning within the District of Columbia, and with means drawn from the property therein, subject to the authority of the General Government. Such an institution claims the patronage of Congress as a monument of their solicitude for the advancement of knowledge, without which the blessings of liberty can not be fully enjoyed or long preserved; as a model instructive in the formation of other seminaries; as a nursery of enlightened preceptors, and as a central resort of youth and genius from every part of their country, diffusing on their return examples of those national

feelings, those liberal sentiments, and those congenial manners which contribute cement to our Union and strength to the great political fabric of which that is the foundation. . . .

2. THE NATIONALISM OF JOHN C. CALHOUN

*President Madison was only one of the many political leaders who extolled the benefits which would come from the extension of national powers. John C. Calhoun of South Carolina, who later looked at most major problems from a strictly sectional viewpoint, strongly advocated a national system of roads to be built at federal expense. Speaking to his colleagues in the House of Representatives in 1817, he declared:*⁴

AT PEACE WITH ALL THE WORLD, abounding in pecuniary means, and, what was of most importance, and at what he rejoiced, as most favorable to the country, party and sectional feelings immersed in a liberal and enlightened regard to the general concerns of the nation—such, said he, are the favorable circumstances under which we are now deliberating. Thus situated, to what can we direct our resources and attention more important than internal improvements? What can add more to the wealth, the strength, and the political prosperity of our country? The manner in which facility and cheapness of intercourse, added to the wealth of a nation, had been so often and ably discussed by writers on political economy, that he presumed the House to be perfectly acquainted with the subject. It was sufficient to observe that every branch of national industry—agricultural, manufacturing, and commercial—was greatly stimulated and rendered by it more productive. The result is, said he, that it tends to diffuse universal opulence. It gives to the interior the advantages possessed by the parts most eligibly situated for trade. It makes the country price, whether in the sale of the raw product or in the purchase of articles for consumption, approximate to that of the commercial towns. In fact, if we look into the nature of wealth, we will find that nothing can be more favorable to its growth than good roads and canals. . . . Let it not be said that internal improvements may be wholly left to the enterprise of the States and of individuals. He knew, he said, that much might justly be expected to be done by them; but in a country so new and so extensive as ours, there

is room enough, said he, for all the General and State governments and individuals, in which to exert their resources. But many of the improvements contemplated, said Mr. C., are on too great a scale for the resources of the States or individuals; and many of such a nature, that the rival jealousy of the States, if left alone, might prevent. They required the resources and the general superintendence of this Government to effect and complete them.

But, . . . there are higher and more powerful considerations why Congress ought to take charge of this subject. If we were only to consider the pecuniary advantages of a good system of roads and canals, it might indeed admit of some doubt whether they ought not to be left wholly to individual exertions; but when we come to consider how intimately the strength and political prosperity of the Republic are connected with this subject, we find the most urgent reasons why we should apply our resources to them. In many respects, no country of equal population and wealth possesses equal materials of power with ours. The people, in muscular power, in hardy and enterprising habits, and in a lofty and gallant courage, are surpassed by none. In one respect, and, in my opinion, in one only, are we materially weak. We occupy a surface prodigiously great in proportion to our numbers. The common strength is brought to bear with great difficulty on the point that may be menaced by an enemy. It is our duty, then, as far as in the nature of things it can be effected, to counteract this weakness. Good roads and canals judiciously laid out, are the proper remedy. In the recent war, how much did we suffer for the want of them! Besides the tardiness and the consequential inefficacy of our military movements, to what an increased expense was the country put for the article of transportation alone! In the event of another war, the saving in this particular would go far towards indemnifying us for the expense of constructing the means of transportation. . . .

But on this subject of national power, what . . . can be more important than a perfect unity in every part, in feelings and sentiments? And what can tend more powerfully to produce it, than overcoming the effects of distance? No country, enjoying freedom, ever occupied anything like as great an extent of country as this Republic. One hundred years ago, the most profound philosophers did not believe it to be even possible. They did not suppose it possible that a pure Republic could exist on as great a

⁴ *Annals of Congress*, 14 Cong., 2 Sess., pp. 851-854.

scale even as the island of Great Britain. What then was considered as chimerical . . . we now have the felicity to enjoy; and, what is most remarkable, such is the happy mould of our Government, so well are the State and general powers blended, that much of our political happiness draws its origin from the extent of our Republic. It has exempted us from most of the causes which distracted the small Republics of antiquity. Let it not, however, be forgotten, let it . . . be forever kept in mind, that it exposes us to the greatest of all calamities, next to the loss of liberty, and even to that in its consequence — *disunion*. We are great, and rapidly . . . growing. This . . . is our pride and danger — our weakness and our strength. Little, . . . does he deserve to be intrusted with the liberties of this people, who does not raise his mind to these truths. We are under the most imperious obligation to counteract every tendency to disunion. The strongest of all cements is, undoubtedly, the wisdom, justice, and, above all, the moderation of this House; yet the great subject on which we are now deliberating, in this respect, deserves the most serious consideration. Whatever . . . impedes the intercourse of the extremes with this, the centre of the Republic, weakens the Union. The more enlarged the sphere of commercial circulation, the more extended that of social intercourse; the more strongly are we bound together; the more inseparable are our destinies. Those who understand the human heart best, know how powerfully distance tends to break the sympathies of our nature. Nothing, not even dissimilarity of language, tends more to estrange man from man. Let us then . . . bind the Republic together with a perfect system of roads and canals. . . .

3. THE NATIONALISM OF HENRY CLAY

Among other leading nationalists of the period after the War of 1812 was Henry Clay of Kentucky. He was a strong advocate of internal improvements at federal expense, as well as a supporter of the protective tariff. His economic program was called the "American System." In discussing a bill for the survey of roads and canals in 1824, Clay dealt with the constitutional problem of increasing national powers in this field and also with the advantages of federally built roads and canals.⁵

⁵ *Annals of Congress*, 18 Cong., 1 Sess., Vol. I, pp. 1038-1042.

THE ROADS, and other internal improvements of States, are made in reference to their individual interests. It is the eye only of the whole, and the power of the whole that can look to the interests of all. In the infancy of the Government, and in the actual state of the public Treasury, it may be the only alternative left us to use those roads, which are made for State purposes, to promote the national object, ill as they may be adapted to it. It may never be necessary to make more than a few great national arteries of communication, leaving to the States the lateral and minor ramifications. Even these should only be executed, without pressure upon the resources of the country, and according to the convenience and ability of Government. But, surely, in the performance of a great national duty imposed upon this Government, which has for its object the distribution of intelligence, civil, commercial, literary, and social, we ought to perform the substance of the trust, and not content ourselves with a mere paper inefficient execution of it. If I am right in these views, the power to establish post roads being in its nature original and creative, and the Government having adopted the roads made by State means only from its inability to exert the whole extent of its authority, the controverted power is expressly granted to Congress, and there is an end of the question.

It ought to be borne in mind that this power over roads was not contained in the Articles of Confederation, which limited Congress to the establishment of post offices; and that the general character of the present Constitution, as contrasted with those articles, is that of an enlargement of power. But, if the construction of the opposite side be correct, we are left precisely where the Articles of Confederation left us, notwithstanding the additional words contained in the present Constitution. . . .

All the powers of this Government should be interpreted in reference to its first, its best, its greatest object, the Union of these States. And is not that union best invigorated by an intimate, social, and commercial connexion between all the parts of the Confederacy? Can that be accomplished — that is, can the federative objects of this Government be attained but by the application of federative resources?

Of all the powers bestowed on this Government, . . . none were more clearly vested, than that to regulate the distribution of its commerce; and to regulate the distribution of the

physical force of the Union. In the execution of the high and solemn trust which these beneficial powers imply, we must look to the great ends which the framers of our admirable Constitution had in view. We must reject, as wholly incompatible with their enlightened and beneficent intentions, that construction of these powers which would resuscitate all the debility and inefficiency of the ancient confederacy. In the vicissitudes of human affairs, who can foresee all the possible cases, in which it may be necessary to apply the public force, within or without the Union? This Government is charged with the use of it, to repel invasions, to suppress insurrections, to enforce the laws of the Union; in short, for all the unknown and undefinable purposes of war, foreign or intestine, wherever and however it may rage. During its existence, may not Government, for its effectual prosecution, order a road to be made, or a canal to be cut, to relieve, for example, an exposed point of the Union? If, when the emergency comes, there is a power to provide for it, that power must exist in the Constitution, and not in the emergency. A wise, precautionary, and parental policy, anticipating danger, will beforehand provide for the hour of need. Roads and canals are in the nature of fortifications, since, if not the deposits of military resources, they enable you to bring into rapid action the military resources of the country, wherever they may be. They are better than any fortifications, because they serve the double purposes of peace and war. . . .

Let me ask, Mr. Chairman, what has this Government done on the great subject of Internal Improvements, after so many years of its existence, and with such an inviting field before it? You have made the Cumberland road only. Gentlemen appear to have considered that a Western road. They ought to recollect that not one stone has yet been broken, not one spade of earth has been yet removed in any Western

State. The road begins in Maryland and it terminates at Wheeling. It passes through the States of Maryland, Pennsylvania, and Virginia. All the direct benefit of the expenditure of the public money on that road, has accrued to those three States. Not one cent in any Western State. And yet we have had to beg, entreat, supplicate you, session after session, to grant the necessary appropriations to complete the road. . . . We were actuated to make these exertions for the sake of the collateral benefit only to the West; that we might have a way by which we should be able to continue and maintain an affectionate intercourse with our friends and brethren — that we might have a way to reach the Capitol of our country, and to bring our councils, humble as they may be, to consult and mingle with yours in the advancement of the national prosperity. Yes, sir, the Cumberland road has only reached the margin of a Western State; and, from some indications which have been given during this session, I should apprehend it would there pause for ever, if my faith in you were not unbounded; if I had not before witnessed that appeals were never unsuccessful to your justice, to your magnanimity, to your fraternal affection.

But, sir, the bill on your table is no Western bill. It is emphatically a national bill, comprehending all, looking to the interests of the whole. The people of the West never thought of, never desired, never asked, for a system exclusively for their benefit. The system contemplated by this bill looks to great national objects, and proposes the ultimate application to their accomplishment of the only means by which they can be effected, the means of the nation — means which, if they be withheld from such objects, the Union, I do most solemnly believe, as these now happy and promising States, may, at some distant . . . day, be endangered and shaken at its centre.

III

The Supreme Court and Nationalism

ONE OF THE STRONGEST FORCES of nationalism in the early nineteenth century was the action of the Supreme Court which, between 1801 and 1835, was dominated by Chief Justice John Marshall. The power of the Court was increased in 1803 when it assumed

the right to declare acts of Congress unconstitutional in the case of *Marbury v. Madison*. In later decisions the Court showed its power by declaring null and void the actions of certain state legislatures when their action conflicted with national authority. The supremacy of the national government was vigorously stated by Marshall in both *Gibbons v. Ogden* and *McCulloch v. Maryland*, as well as in other cases.

1. McCULLOCH v. MARYLAND

A good account of the conflict between state and national powers has been given by Carl Brent Swisher in his discussion of the case of McCulloch v. Maryland.⁶

THE CASE OF *McCULLOCH v. MARYLAND*, decided at the 1819 term of the Supreme Court, along with the other important cases of *Dartmouth College v. Woodward* and *Sturges v. Crowninshield*, arose out of an attempt to collect penalties from the Baltimore branch of the Bank of the United States for refusal to pay taxes as prescribed by the Maryland law. The case was presented before the Supreme Court by an array of eminent counsel, which included Daniel Webster on the side of the bank whose charter he had previously opposed. Chief Justice Marshall wrote the unanimous opinion of the Court. He dealt with the case in terms of two questions, the power of Congress to charter the bank, and the power of the state to tax it. He began ominously with the statement that "no tribunal can approach such a question without a deep sense of its importance, and of the awful responsibility involved in its decision."

As to the power of Congress to incorporate the bank, Marshall agreed that it could scarcely be considered an open question. The power had been exercised by the first Congress elected under the present Constitution. "The bill for incorporating the Bank of the United States did not steal upon an unsuspecting legislature, and pass unobserved." It was fully debated at that time; the original act ran its course and was permitted to expire; the government was embarrassed thereafter for want of an institution of the kind, and the measure creating a new bank was enacted. "It would require no ordinary share of intrepidity to assert that a measure adopted under these circumstances was a bold and plain usurpation, to which the Constitution gave no countenance."

Counsel for Maryland had contended that the

Constitution must be construed, not as emanating from the people, but as an act of sovereign and independent states. They took the position that the powers of the federal government were delegated by the states, who alone were truly sovereign, and that these powers must be exercised in subordination to the states. Marshall rejected this contention, arguing that the powers of the federal government flowed directly from the people. "The government of the Union," he said, "... is, emphatically, and truly, a government of the people. In form and in substance it emanates from them. Its powers are granted by them, and are to be exercised directly on them, and for their benefit." Marshall knew, of course, as did every other statesman who lived through the period of the adoption of the Constitution, that only a small fraction of the people had participated in any way in the adoption of the Constitution, and that group and class interests had had a great deal to do with the shaping of the document. In the decision of this case, however, he was concerned, not with questions of divisions among the people, but with the juristic question as to whether the power of the federal government flowed directly from the people or flowed through and was curbed by the sovereignty of the several states.

If any one proposition could command universal assent, he concluded, it might be expected to be this, "that the government of the Union, though limited in its powers, is supreme within its sphere of action." He set out to discover, therefore, whether the Constitution brought the establishment of a bank or creation of a corporation within the sphere of action of the federal government. He did not find the power among the enumerated powers of the government. He reasoned, however, that the power to establish a bank could be implied from other powers which were specifically granted. It was "necessary and proper" to the exercise of powers conferred. In order to be necessary and proper, he argued, absolute indispensability was not required. A thing might be necessary, very necessary, absolutely or indispensably necessary. A sound discretion as to the exercise of the powers conferred was left to Congress. In working out

⁶ Carl Brent Swisher, *American Constitutional Development* (Boston: Houghton Mifflin Co., 1913), pp. 174-177. Used by permission of the publishers.

his standard of interpretation of implied powers, the Chief Justice phrased the following eloquent statement:

Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional.

He rejected the contention that the creation of a corporation so appertained to sovereignty as to be a function only of the states. He said:

In America the powers of sovereignty are divided between the government of the Union and those of the states. They are each sovereign, with respect to the objects committed to it, and neither sovereign with respect to the objects committed to the other.

The doctrine of implied powers was not new at the time when the decision was handed down. Alexander Hamilton had asserted it clearly in connection with the establishment of the first national bank. Members of Congress had discussed it in that and in other connections. Marshall had phrased it in a Supreme Court decision as early as 1805. Yet the opinion in *McCulloch v. Maryland*, both because the controversy was widely known and because of the fullness of the statement, came to be regarded as the basic case in American constitutional law for the statement of the doctrine of implied powers.

The Court decided both that Congress had the power to establish the bank and that it might establish a branch in the state of Maryland. The Chief Justice then moved to the next question, whether Maryland might tax that branch without violating the Constitution. In discussing the issues, Marshall treated the case as if it represented a bona-fide instance of taxation by the state for revenue purposes, rather than an indirect attempt to hamper the operations of the bank. He reverted to the principle that the Constitution and laws of the United States were supreme and controlled the constitutions and laws of the respective states. From this principle he deduced corollaries that a power to create implied a power to preserve, that a power to destroy, if wielded by a different hand, was hostile to and incompatible with the powers to create and preserve and that, where this repugnancy existed, that authority which was supreme must control.

He insisted on discussing the issues in terms of absolutes. "We are not driven," he declared,

"to the perplexing inquiry, so unfit for the judicial department, what degree of taxation is the legitimate use, and what degree may amount to the abuse of the power." He found that the question of the power of a state to tax a means employed by the government of the United States in pursuance of the Constitution was controlled by propositions that "the power to tax involves the power to destroy," and that "the power to destroy may defeat and render useless the power to create." This line of reasoning led inevitably to the conclusion that the Maryland law was unconstitutional, without reference to the question as to whether the statute was really a revenue measure.

Marshall's proposition that "the power to tax involves the power to destroy" and the reasoning based upon it have been used for more than a century as a curb upon state taxation affecting instrumentalities of the federal government. . .

2. COHENS V. VIRGINIA

*In the case of Cohens v. Virginia (1821) John Marshall made one of his most nationalistic statements. He strongly upheld the idea of federal courts reversing decisions of state courts if the latter were at variance with the federal constitution.*⁷

. . . THAT THE UNITED STATES FORM, for many, and for most important purposes, a single nation, has not yet been denied. In war, we are one people. In making peace, we are one people. In all commercial regulations, we are one and the same people. In many other respects, the American people are one; and the government which is alone capable of controlling and managing their interests in all these respects, is the government of the Union. It is their government, and in that character they have no other. America has chosen to be, in many respects, and to many purposes, a nation; and for all these purposes, her government is complete; to all these objects, it is competent. The people have declared, that in the exercise of all powers given for these objects it is supreme. It can, then, in effecting these objects, legitimately control all individuals or governments within the American territory. The constitution and laws of a state, so far as they are repugnant to the constitution and laws of the United States, are absolutely void. These states are constituent parts of the United States. They are members of one great empire—for some

purposes sovereign, for some purposes subordinate.

In a government so constituted, is it unreasonable that the judicial power should be competent to give efficacy to the constitutional laws of the legislature? That department can decide on the validity of the constitution or law of a state, if it be repugnant to the constitution or to a law of the United States. Is it unreasonable that it should be empowered to decide on the judgment of a state tribunal enforcing such unconstitutional law? Is it so very unreasonable as to furnish a justification for controlling the words of the constitution?

We think it is not. We think that in a government acknowledgedly supreme, with respect to objects of vital interest to the nation, there is nothing inconsistent with sound reason, nothing incompatible with the nature of government, in making all its departments supreme, so far as respects those objects, and so far as is necessary to their attainment. The exercise of the appellate power over those judgments of the state tribunals which may contravene the constitution or laws of the United States, is, we believe, essential to the attainment of those objects. . . .

IV

Nationalism in Foreign Affairs

STRONG SIGNS OF NATIONALISM were not confined to domestic affairs. In foreign relations the same spirit was reflected in the Monroe Doctrine of 1823. Monroe's proclamation asserted America's predominant position in the Western Hemisphere, and he laid down principles which were to become basic in the future of American foreign policy. In his book, *Hands Off: A History of the Monroe Doctrine*, Dexter Perkins has given an interesting account of the events leading up to Monroe's address, and he has shown clearly the part played by John Quincy Adams in formulating the doctrine.⁸

THE FAMOUS MESSAGE of December 2, 1823, with the possible exception of the Farewell Address the most significant of all American state papers, contains two widely separated passages which have come to be known as the Monroe Doctrine. In discussing American relations with Russia, the President laid down the principle that "the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subject for future colonization by any European power." This phrase occurs early in the document. In its closing paragraphs, on the other hand, Monroe turned to the subject of the Spanish colonies. In language no less significant than that just quoted, he declared that the political system of the allied powers, that is, of the Holy Alliance, was different from that of America. "We owe it, therefore, to candor, and

to the amicable relations existing between the United States and those powers," he went on, "to declare that we should consider any attempt on their part to extend their political system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies and dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition towards the United States."

These pregnant phrases express in unmistakable terms the ideological cleavage between the New World and the Old. . . . To Americans European absolutism, in 1823, was a system as odious, as devoid of moral sanction, as that of

⁸ From *Hands Off: A History of the Monroe Doctrine* by Dexter Perkins, by permission of Little, Brown & Co. Copyright, 1911, by Dexter Perkins. Pp. 28-45.

Nazi Germany or Stalinist Russia seems to many citizens of the United States today. [1911] On the other hand, to many of the statesmen of Continental Europe, the buoyant republicanism and the democratic faith of the people of the United States were a vast dissolvent which threatened destruction to the existing order, and unknown and incalculable perils for the future. The message of Monroe had to do with specific situations which we must soon examine, but it was based on general principles which played an important part in the thinking of the President and his advisers.

That part of the message which was directed against Russia appears to have been the work of John Quincy Adams. There is, perhaps, no figure more remarkable in the lengthening list of the Secretaries of State. Acidulous, combative, suspicious, Adams was none the less a great personality, great in his unswerving and intense patriotism, great in his powerful and logical intelligence, great in his immense industry, great in his high integrity. No man who ever directed American foreign policy came to his post with a wider background of experience, with a better education, academic, linguistic, legal, with a broader conception of his task. Adams was hard-headed and practical; but he also recognized the importance of ideas and general principles. And this fact he was to make clear in working out the so-called noncolonization dogma. Long before 1823 the Secretary of State had begun to formulate his ideas with regard to the exclusion of European influence from the American continents. When he negotiated the Florida treaty in 1819, he took special satisfaction in the extension of American territory to the Pacific by Spain's renunciation of all rights north of 42 degrees. As early as November of 1819 he had declared in the cabinet that the world "must be familiarized with the idea of considering our proper dominion to be the *continent* of North America." In a heated dispute with Stratford Canning, the British Minister, in January of 1821, over the title to the Columbia River region, Adams stated, "We certainly did suppose that the British government had come to the conclusion that there would be neither policy nor profit in cavilling with us about territory on this North American continent." "And in this," asked Canning, "you include our northern provinces on this continent?" "No," said Adams; "there the boundary is marked and we have no disposition to encroach upon it. Keep what is yours, but leave the rest of this continent to us."

These statements, compared with what followed, were remarkable only for their modesty. In July of 1822, in one of those Fourth of July addresses so dear to American national pride, the Secretary went on to attack the whole colonial principle, as applied to both North and South America. By November he was ready to confide to the British Minister that "the whole system of modern colonization was an abuse of government, and it was time that it should come to an end."

In part, the position so boldly taken was a matter of political theory. The United States was not yet half a century from the Declaration of Independence, from its own shaking off of the chains of colonial tutelage. But, in part, Adams' doctrine had an economic basis. Adams disliked colonialism not alone because it was a *reminder of political subordination*, but because it was connected in his mind with commercial monopoly, and the exclusion of the United States from the markets of the New World. A New Englander of New Englanders, the representative of the great mercantile *section of the Union*, and that at a time when the American shipping interests were more important in relation to other interests than at any time in our history, the Secretary was to do battle for the trade of the American people no less than for more abstract notions of political righteousness. It was, indeed, a commercial controversy that sharpened his pen for the famous declaration with regard to colonization that we have quoted at the beginning of this page.

This controversy was one with Russia. In 1823 Russia still had colonial claims on the northwest coast of America. For more than a decade, indeed, there had been a Russian establishment, Fort Ross, at Bodega Bay on the coast of California, whose existence, though it had occasioned no diplomatic discussion, had been noted with some mild apprehension. But more important, in September of 1821 the Tsar Alexander, acting at the instigation of a corporation known as the Russian American Company, had issued an imperial decree which conferred upon this concern exclusive trading rights down to the line of 51 degrees and forbade all foreign vessels to come within one hundred Italian miles of the shore on pain of confiscation.

This imperial decree was, from the outset, challenged by the American government. In connection with it John Quincy Adams, with a boldness that excelled that of his cabinet colleagues, wished to deny the right of Russia to

any American territory. And though he was overruled in a measure, since the instructions to Middleton at St. Petersburg, sent in July of 1823, were based on possible recognition of Russian claims north of fifty-five, the Secretary nevertheless would not give up his viewpoint in principle. To Tully, the Russian Minister at Washington, he declared on July 17, 1823, that "we should contest the right of Russia to any territorial establishment on this continent, and that we should assume distinctly the principle that the American continents are no longer subjects for any new European colonial establishments." Five days later he set forth the same theory in a dispatch to Richard Rush, our minister at London, and set it forth in some detail. In December, when he came to draft for the President the customary sketch of foreign policy to be used in the preparation of the annual message, he used almost the identical words that had been used five months before in speaking to Tully, and Monroe took them over bodily and inserted them in his message of December 2.

This, in essentials, is the origin of the non-colonization clause, one of the two important elements in the enunciation of the Monroe Doctrine. . . .

More important, however, than the non-colonization clause are those resounding paragraphs of the message of 1823 which focused the attention of every European chancellery on the American attitude toward the new republic on the South. What was the origin and the occasion of these famous phrases? What was their reception? What was their effect? . . .

The march of reaction in the Old World was by no means checked at the Congress of Verona in the fall of 1822. On the contrary, the Continental powers decided upon a new intervention to put down revolt in Spain, with France as their agent. In January, after a struggle in the bosom of the cabinet, the French ministry of Villèle virtually determined upon war, and withdrew its ambassador from Madrid. In April, the French forces crossed the Pyrenees and marched upon the Spanish capital; in a few brief months they occupied almost the entire country, with the exception of Cádiz, whither the Spanish revolutionists had fled with King Ferdinand as their captive. Events such as these were bound to have their repercussion in the United States.

Despite the doctrine of isolation and American aversion to entanglement, there has, in fact,

never been a time when Americans were indifferent to the general trend of events in Europe. A perfectly cynical foreign policy, a policy of stark and naked self-interest, may perhaps be possible for dictators who manufacture their own public opinion; but the diplomacy of a democratic nation will, in the very nature of the case, be shaped in some measure by general principles and by broad political ideals. The trend of the events in the Old World was not lost upon James Monroe or John Quincy Adams. In his annual message for 1822, indeed, the President already demonstrated a mild uneasiness—perhaps no more than a mild uneasiness—as to the future. Alluding to the European scene, he went on to say: "Faithful to first principles in regard to other powers, we might reasonably presume that we should not be molested by them. This, however, ought not to be calculated on as certain. Unprovoked injuries are often inflicted, and even the peculiar felicity of our situation might be with some a cause for excitement and aggression." Six months later, when the French armies had occupied Madrid, he penned a too-little-noticed letter to Thomas Jefferson. "Our relation to Europe," he wrote, "is pretty much the same, as it was in the commencement of the French revolution. Can we, in any form, take a bolder attitude in regard to it, in favor of liberty, than we then did? Can we afford greater aid to that cause, by assuming any such attitude, than we do now, by the form of our example?" Language such as this suggests that a more positive attitude toward European reaction was ripening in the mind of the President.

Events, moreover, were strengthening his hand. For if the United States were to act in the cause of Spanish-American liberty, it was already at least likely, if not absolutely clear, that it would not take its stand alone. At the Congress of Verona Great Britain, through Lord Castlereagh as Foreign Secretary, had already made clear its increasing distaste for interventions in the interest of absolutism. It had made clear, too, a predilection even more vital. The Spanish-American revolution had opened a whole continent to British trade. The commercial wake of Britain in the affairs of the New World no British government could afford to ignore. The recognition of the new republics by the United States in March had made it all the more necessary that London should seek their good will by a similar policy. Already, in

May of the same year, the matter had been discussed with the government at Paris, in the hope of finding a common ground of action. At Verona the Duke of Wellington, the British plenipotentiary, was directed to bring the matter up in the most positive form. The question of Latin America was leading to the alienation of Great Britain from the powers of the Holy Alliance.

Moreover, the death of Castlereagh, shortly after the end of the Congress, brought to the Foreign Office George Canning, less attached than his predecessor to any highfalutin notions of European solidarity, and who, as member for Liverpool in the Commons, directly represented British trading interests. Under such a leader it could have been predicted that a bolder and more positive policy with regard to the new republics would be put into operation. Nor did the world have to wait very long to be made aware of this fact. For, on the occasion of the French intervention in Spain, Canning made his position entirely clear. "With respect to the Provinces of America," he wrote to Sir Charles Stuart, British Ambassador at Paris, "time and the course of events appear to have substantially decided their separation from the mother-country; although the formal recognition of these provinces as Independent States, by his Majesty, may be hastened or retarded by various external circumstances, as well as by the more or less satisfactory progress, in each State, towards a regular and settled form of government. Disclaiming in the most solemn manner any intention of appropriating to himself the smallest portion of the late Spanish possessions in America, his Majesty is satisfied that no attempt will be made by France to bring under her dominion any of those possessions, either by conquest, or by cession from Spain." This declaration, while it did not entirely rule out the possible reconquest of Spain's former colonies in the interests of the worthless Ferdinand, at least made it wholly clear that there was to be no profit in the venture. The attitude of Canning was to have much to do with the message of 1823.

There were hints, indeed, in the spring and summer of 1823, that the two Anglo-Saxon powers were headed towards a political understanding. Canning's policy, his cousin Stratford Canning reported from Washington, had made the English "almost popular" in the United States, and even Adams "had caught something of the soft infection." The American Secretary of

State, in his conversations with the British Minister, seemed to grow positively mellow with the progress of events. He commented with satisfaction to Stratford on the "coincidence of principle" which seemed to exist between the two governments. In a tone far different from any that he had previously employed, he spoke of Great Britain and the United States as "comparing their ideas and purposes together, with a view to the accommodation of great interests upon which they had hitherto differed." He seemed to suggest the possibility of a diplomatic rapprochement, and particularly of an agreement upon the question of Spanish America.

For a time, however, Canning hesitated. He had no romantic affection for the United States. No one had been more high-handed or arrogant than he in dealing with the American government at the time of the embargo. No Englishman could have been more superciliously confident of British superiority. And lurking always in his mind, as his correspondence shows, was the notion that the Americans might attempt a coup of their own in the New World, and possess themselves of Cuba. But with the month of August he decided to move forward. Might not diplomatic conversations with the United States result at one and the same time in American disclaimers of any acquisitive purposes, and American co-operation in a common opposition to the intervention of the Continental powers? So at least the British Foreign Secretary appears to have reasoned, and on the sixteenth of August, taking advantage of a "transient" observation of the American Minister, Canning began with Rush a series of important conferences that bulk large in the history of the Monroe Doctrine, and form an equally interesting chapter in the history of American political co-operation with European powers.

What Canning wished was a joint declaration on the part of the London and Washington governments. Its general outline was made clear in a note of August 20.

England [he wrote] has no disguise on the subject. She conceived the recovery of the colonies by Spain to be hopeless.

That the question of their recognition as Independent States was one of time and of circumstances.

That England was not disposed, however, to throw any impediment in the way of an arrangement between the colonies and the mother country, by amicable negotiation

That she aimed at the possession of no portion of the colonies for herself.

That she could not see the transfer of any portion of them to any other Power, with indifference.

Holding these views, Great Britain would be very ready to declare them in concert with the United States. Could Rush sign a convention on the subject or, if this were not possible, could he consent to an exchange of ministerial notes? Rarely has an American Minister been asked more interesting questions. Rarely, in the history of the first fifty years of American diplomacy, had a more flattering offer of diplomatic co-operation been made.

But Richard Rush was both a shrewd and a cautious man. In a matter so important it would be perilous to act without instructions. After all, there was as yet no evidence that the Spanish colonies were in any particular peril, and though on the twenty-third of August Canning told him he had heard from Paris that at the end of the Spanish war a Congress would be called on the colonial question, such an intimation did not point to the necessity of immediate action on the part of the American Minister. Moreover, as Rush perceived, there was a difference in the American and British positions. The United States had already recognized the colonies. Great Britain had not. The one country was irrevocably committed; the other might be free to alter its policy and bring it into harmony with the Continental powers. Were there not risks in hasty action that far outweighed the benefits? Was not the proper course to refer the whole matter to Washington?

Thus, at any rate, reasoned the American Minister. He took no absolute stand against co-operation. He was willing to make it clear to Canning, indeed he did make it clear, that his country desired "to see the Independence of the late Spanish Provinces in America permanently maintained," and that "it would view as unjust and improper any attempt on the part of the Powers of Europe to intrench upon that Independence." He even hinted that, should Canning assure him that the time had now arrived when Great Britain would recognize the colonies, he might be willing to consider more decisive action. But in default of such an assurance he could only refer the whole problem to his government. Nor, despite the importunities of the Foreign Secretary, would he budge from this point of view. Twice, after the note of August 20, Canning returned to the charge, once on the

eighteenth of September, once again on the twenty-sixth. Twice Rush returned the same reply. Even Canning's suggestion that Great Britain might promise the *future* acknowledgment of the South American states failed to swerve him from his course. The possibility of a joint declaration months in advance of the famous message had thus to be discarded. The principal significance of the Canning-Rush interviews lies in the influence which they exerted upon the deliberations of President Monroe and his advisers.

Before we return to those deliberations, however, we should pause to underline once more the extraordinary nature of Canning's overtures. Today the United States is a great power, whose favor is a mighty matter. In 1823 conditions were far otherwise. In particular, our relations with Great Britain had for the most part been conducted on anything but a happy plane. Condescension commingled with arrogance had usually marked British policy, though there had been some improvement under Lord Castlereagh. Attentions as flattering as those that were paid to Rush might have turned the head of a less judicious representative of the United States. They must have been little less than thrilling to him.

Rush's first accounts of his interviews with Canning arrived in Washington early in October. Despite the French intervention in Spain the summer had, on this side of the water, been a tranquil one. In May Albert Gallatin, our minister at Paris, had talked with the Vicomte de Chateaubriand, the literary genius and diplomatic ineffectuality who conducted the foreign affairs of France. The American had stated frankly that the United States, in his judgment, "would not suffer others to interfere against the emancipation of America." He received an answer "in the most explicit manner . . . that France would not make any attempt whatever of that kind, or in any manner interfere in the American question." Speaking also to Pozzo di Borgo, the militant friend of repressive policies, and the Russian Ambassador at the court of Louis XVIII, Gallatin had made the American position clear, and had reported that the representative of the Tsar "seemed to coincide with me in opinion." With these assurances, it is not strange that John Quincy Adams had fled the heat of Washington and spent the summer with his family at Quincy, his ancestral seat.

But the Rush dispatches suggested that the

tempo of the diplomatic drama might conceivably be quickening. Nor did they stand entirely alone. A letter of George W. Erving, a former Minister of the United States to Spain, written to Crawford, the Secretary of the Treasury, September 25, 1823, struck an alarmist note with regard to French and Russian intentions in Latin America. And the language of the Tsar Alexander, on at least two occasions in this momentous fall, suggested that, whether or not there was to be a clash of arms, there was at least a sharpening of the issues between Old World doctrines of repression and New World doctrines of liberty. On the sixteenth of October, to make the point clear, Baron Tuyl called on Secretary Adams, and told him that his August Master would not receive any minister or agent from any one of the states just formed in the New World. He added, rather significantly as it appeared, that Alexander was highly pleased at the attitude of neutrality adopted by the United States in the war of the colonies with Spain, and still more pleased at its declared intention to continue to maintain that neutrality. The views thus expressed were embodied in an official note transmitted on the same day. A month later came another communication written in much the same spirit. It did not utter any specific menace, unless such a menace could be read into the Tsar's general assertion that his "only object" was "to guarantee the tranquillity of all the states of which the civilized world is composed." But in doctrine it could hardly fail to be offensive. To Adams, always suspicious and touchy, it appeared nothing less than "an 'Io Triumphe' over the fallen cause of revolution, with sturdy promises of determination to keep it down; disclaimers of all intention of making conquests; bitter complaints of being calumniated, and one paragraph of compunction, acknowledging that an apology is yet due to mankind for the invasion of Spain, which it is in the power only of Ferdinand to furnish, by making his people happy."

All in all, then, we can understand why it was that in November of 1823 Monroe and his advisers were ready to join issue on what appeared to be, and in truth was, a fundamental divergence of viewpoint between the New World and the Old. The discussions that preceded the enunciation of the famous message of 1823 form one of the most interesting chapters in the history of the Monroe Doctrine. They involved, as we shall see, not only the drafting of the President's message, but also the drafting

of a suitable reply to Canning's overtures, and an answer to the ideological pronunciamiento of the Tsar. Fortunately we have a most remarkable record of them. For the Secretary of State of the United States kept a diary, rising often in the wee small hours to fill in the narrative of events of high significance to posterity. And that diary, despite its egocentric character, is a precious memorial of the discussions on the Latin-American question between the President and his advisers.

The story of these discussions begins with the seventh of November. Very early it becomes clear that the President and John C. Calhoun, the Secretary of War, were seriously concerned lest the Holy Alliance should act in the New World to restore to Spain her ancient dominions. The President, Adams reported on the thirteenth, was "alarmed far beyond anything that I could have conceived possible," and "the news that Cadiz has surrendered to the French has so affected him that he appeared entirely to despair of the cause of South America." Calhoun, in the language so characteristic of the Secretary of State, was "perfectly moonstruck" at the danger. In later cabinet meetings the panic of the President, if panic it was, seems somewhat to have abated. But in these later meetings he seems still to have believed in the peril, and in this conviction he was, apparently, still supported not only by Calhoun, but by Wirt, the Attorney General.

John Quincy Adams, on the other hand, took a very different view. He was by no means averse to some ringing declaration of policy; he positively yearned to try epistolary conclusions with Baron Tuyl. But the peril he thought was much exaggerated. Again and again, in the course of the cabinet discussions, he expressed skepticism as to the danger of intervention. Canning's alarm, as indicated in his interviews with Rush, he believed to be affected; the real purpose of the British Minister, he suspected (and the suspicion, we have seen, was partly justified), was to obtain a self-denying pledge from the United States, and was only "ostensibly" directed against the forcible interference of the Holy Alliance against South America. Judging, and, as the upshot was to prove, correctly judging, that self interest and not romantic attachment to principle would be the real mainspring of the action of the Continental powers, he found it difficult to imagine that these powers would act at all. They would have no reason to restore the old commercial monopolies. Why

should they seek to maintain the power of the decrepit Spanish monarchy across thousands of miles of ocean? "Was it in human absurdity to imagine that they should waste their blood and treasure to prohibit their own subjects upon pain of death to set foot upon those territories?" No, if they took action at all, their object would be to partition the colonies among themselves. . . .

But if Adams was inclined to minimize the actual danger, he was not, as we have said, inclined to let the situation pass without action. Like the President himself, like all the other members of the cabinet, he believed that the time was ripe for a state paper which would, if it did nothing else, thrill American pride and — even an Adams may have thought of this — tickle the ears of the groundlings. As early as November 7 he stated this view in the cabinet. The communications received from Baron Tuyl in October would, he believed, afford "a very suitable and convenient opportunity for us to take our stand against the Holy Alliance, and at the same time to decline the overture from Great Britain. It would be more candid as well as more dignified to avow our principles explicitly to Russia and France, than to come in as a cock-boat in the wake of the British man-of-war."

In making this assertion, the Secretary of State was thinking in terms not of a Presidential message, but of diplomatic correspondence, correspondence which might, of course, be released for publication to the greater glory of the United States and of John Quincy Adams. It was the President and the President alone who decided that at least one of the methods of replying to the homilies of the Tsar and the overtures of Canning, and of making the American position clear, should be a straightforward declaration in the forthcoming message to Congress. In the message's sketch on foreign affairs, prepared by Adams for his chief, there is no mention of the Latin-American problem. In the famous diary there is no intimation of the Secretary's suggesting that the forthcoming communication to the national legislature deal with the matter of the former colonies. It was Monroe who, on his own initiative, brought into the cabinet meeting of November 21 the first draft of what was to become the very heart of the Monroe Doctrine. This draft was certainly not marked by timidity. It was, indeed, too strong for John Quincy Adams. It was, if our diarist is to be believed, a ringing pronouncement in favor of liberal principles in both the Old

World and the New. It "alluded to the recent events in Spain and Portugal, speaking in terms of the most pointed reprobation of the late invasion of Spain by France, and of the principles upon which it was undertaken by the open avowal of the King of France. It also contained a broad acknowledgment of the Greeks as an independent nation, and a recommendation to Congress to make an appropriation for sending a minister to them."

Never loath to express himself with vigor, Adams, both in the cabinet meeting and in private conversation with his chief, deprecated a line of thought and action which drew no distinction between republicanism in Europe and republicanism in America. The message, in the form which the President had written it, "would," he declared, "be a summons to arms — to arms against all Europe, and for objects of policy exclusively European — Greece and Spain. It would be as new . . . in our policy as it would be surprising." It was not for America to bid defiance in the heart of Europe. "The ground that I wish to take," he declared, "is that of earnest remonstrance against the European powers by force with South America, but to disclaim all interference on our part with Europe; to make an American cause, and to adhere inflexibly to that." The President saw and accepted the point of view so cogently stated; on November 24 he showed Adams a new draft which was "entirely conformable to the system of policy" which he had recommended.

On the twenty-fifth and twenty-sixth of November came further and final discussions on the famous message. William Wirt, the Attorney General, quite properly, as Adams admitted, remarked "upon the danger of assuming the attitude of menace without meaning to strike, and asked, if the Holy Allies should act in direct hostility against South America, whether this country would oppose them by war?" Such a war he did not believe the American people would support. "There had never been much general excitement" in favor of the Spanish revolutionists. To these objections the Secretary of State had a ready reply. He did not believe the danger of war to be great. But "if it were brought to our doors, we could not too soon take our stand to repel it." Were the Holy Allies to attack Latin America, "we must not let Great Britain get the sole credit for withstanding them." Such action "would throw them [the colonies] completely into her arms, and in the result make them her Colonies instead of those of Spain. My

opinion was, therefore, that we must act promptly and decisively." So, too, thought Calhoun, faithful to his persuasion that the reconquest of South America would be followed by action against the United States. So too, of course, thought the President. At the meeting on the twenty-sixth the die was cast in favor of the great pronouncement of 1823. It may be, however, that at the very last Monroe wavered. According to the journal of William Plumer, Jr., a few days before the actual sending of the message, the President expressed some "doubts about that part of it which related to the interference of the Holy Alliance with Spanish America," and "said he believed it had better be omitted, and asked him [that is, Adams] if he did not think so, too. Adams replied, 'You have my sentiments on the subject already, & I see no reason to alter them.' 'Well,' said the President, 'it is written, & I will not change it now.'" Perhaps this story, which must have come through Adams, is somewhat embroidered. Whether embroidered or not, at any rate the decision of the cabinet meeting stood, and on December 2, 1823, the members of Congress had an opportunity to read the great declaration.

That declaration, . . . proclaimed the superiority of American institutions, and the peril to the United States of any attempt on the part of European powers to extend their political system to the New World. It was, of course, the expression of a faith rather than a closely reasoned justification of American opposition to the reconquest of the colonies. Monroe assumed these propositions rather than debated them; and perhaps the strength of the message lies in the unwavering firmness of its tone, and the complete confidence of the President in the postulates which he put forward. Yet there is, I think, much more than this to be said for it. Monroe rested his opposition to European intermeddling in Spanish America on the danger to "the peace and safety" of the United States. In so doing he took a strong position from both a legal and a moral point of view. He was basing American policy on the right of self-preservation, a right that is and always has been recognized as fundamental in international law. If in very truth the interposition of the Holy Alliance in the New World imperiled the peace and safety of the United States, then the right to protest against it was obvious. . . .

V

The Rising Tide of Sectionalism

DESPITE THE SPIRIT OF NATIONALISM in the United States, the challenge of sectionalism and States' Rights was almost constantly present. Temporarily overshadowed after the War of 1812, sectional feelings and interests came into prominent display over the question of slavery at the time Missouri asked admittance to the Union. Representative James Tallmadge of New York proposed to amend the enabling bill to prohibit the further introduction of slaves into Missouri, and to free the children born of slave parents when they reached twenty-five years of age. Southerners heatedly objected to this amendment and the congressional debate which followed cast an ominous shadow over the permanency of the Union. Although a temporary compromise was finally worked out, the bitter debate illustrated the extent of sectional feeling, at least over this one issue. The arguments regarding the extension or restriction of slavery during 1819 and 1820 can best be followed in the *Annals of Congress*.

1. A NORTHERN VIEW ON THE EXTENSION OF SLAVERY

Representative John W. Taylor of New York was one of the many northern congressmen and citizens who argued vigorously in favor of the Tallmadge

amendment. In a speech before his colleagues on February 10, 1819, Taylor said that slavery should be excluded from Missouri on constitutional, moral, and economic grounds.⁹

⁹ *Annals of Congress*, 15 Cong. 2 Sess. pp. 1170 ff.

MR. CHAIRMAN, if the few citizens who now inhabit the Territory of Missouri were alone interested in the decision of this question, I should content myself with voting in favor of the amendment, without occupying for a moment the attention of the Committee. But the fact is far otherwise; those whom we shall authorize to set in motion the machine of free government beyond the Mississippi, will, in many respects, decide the destiny of millions. Cast your eye on that majestic river which gives name to the Territory, for the admission of which into the Union we are about to provide; trace its meanderings through fertile regions for more than two thousand miles; cross the stony mountains, and descend the navigable waters which empty into the Western ocean; contemplate the States hereafter to unfurl their banners over this fair portion of America, the successive generations of freemen who there shall adorn the arts, enlarge the circle of science, and improve the condition of our species. Having taken this survey, you will be able, in some measure, to appreciate the importance of the subject before us. Our votes this day will determine whether the high destinies of this region, and of these generations, shall be fulfilled, or whether we shall defeat them by permitting slavery, with all its baleful consequences, to inherit the land. Let the magnitude of this question plead my apology, while I briefly address a few considerations to the sober judgment of patriots and statesmen. . . .

First. Has Congress power to require of Missouri a Constitutional prohibition against the further introduction of slavery, as a condition of her admission into the Union?

Second. If the power exists, is it wise to exercise it?

Congress has no power unless it be expressly granted by the Constitution, or necessary to the execution of some power clearly delegated. What, then, are the grants made to Congress in relation to the Territories? The third section of the fourth article declares, that "the Congress shall have power to dispose of and make all needful rules and regulations respecting the territory, or other property, belonging to the United States." It would be difficult to devise a more comprehensive grant of power. The whole subject is put at the disposal of Congress, as well the right of judging what regulations are proper to be made, as the power of making them, is clearly granted. Until admitted into the Union, this political society is a territory; all the preliminary steps relating to its admission are

territorial regulations. Hence, in all such cases, Congress has exercised the power of determining by whom the constitution should be made, how its framers should be elected, when and where they should meet, and what propositions should be submitted to their decision. After its formation, the Congress examine its provisions, and, if approved, admit the State into the Union, in pursuance of a power delegated by the same section of the Constitution, in the following words: "New States may be admitted by the Congress into the Union." This grant of power is evidently alternative; its exercise is committed to the sound discretion of Congress; no injustice is done by declining it. But if Congress has the power of altogether refusing to admit new States, much more has it the power of prescribing such conditions of admission as may be judged reasonable. The exercise of this power, until now, has never been questioned. The act of 1802, under which Ohio was admitted into the Union, prescribed the condition that its constitution should not be repugnant to the ordinance of 1787. The sixth article of that ordinance declares, "there shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted." The same condition was imposed by Congress on the people of Indiana and Illinois. These States have all complied with it, and framed constitutions excluding slavery. Missouri lies in the same latitude. Its soil, productions, and climate are the same, and the same principles of government should be applied to it. . . .

Gentlemen have said the amendment is in violation of the treaty [Louisiana Purchase Treaty of 1803], because it impairs the property of a master in his slave. Is it then pretended, that, notwithstanding the declaration in our bill of rights, "that all men are created equal," one individual can have a vested property not only in the flesh and blood of his fellow man, but also in generations not yet called into existence? Can it be believed that the supreme Legislature has no power to provide rules and regulations for ameliorating the condition of future ages? And this, too, when the Constitution itself has vested in Congress full sovereignty, by authorizing the enactment of whatever law it may deem conducive to the welfare of the country. The sovereignty of Congress in relation to the States, is limited by specific grants—but, in regard to the Territories, it is unlimited. Missouri was purchased with our money, and,

until incorporated into the family of States, it may be sold for money. Can it then be maintained, that, although we have the power to dispose of the whole Territory, we have no right to provide against the further increase of slavery within its limits? That, although we may change the political relations of its free citizens by transferring their country to a foreign Power, we cannot provide for the gradual abolition of slavery within its limits, nor establish those civil regulations which naturally flow from self-evident truth? No, sir, it cannot; the practice of nations and the common sense of mankind have long since decided these questions.

Having proved, as I apprehend, our right to legislate in the manner proposed, I proceed to illustrate the propriety of exercising it. And here I might rest satisfied with reminding my opponents of their own declarations on the subject of slavery. How often, and how eloquently, have they deplored its existence among them? What willingness, nay, what solicitude have they not manifested to be relieved from this burden? How have they wept over the unfortunate policy that first introduced slaves into this country! How have they disclaimed the guilt and shame of that original sin, and thrown it back upon their ancestors! I have with pleasure heard these avowals of regret and confided in their sincerity; I have hoped to see its effects in the advancement of the cause of humanity. Gentlemen have now an opportunity of putting their principles into practice; if they have tried slavery and found it a curse; if they desire to dissipate the gloom with which it covers their land; I call upon them to exclude it from the Territory in question; plant not its seeds in this uncorrupt soil; let not our children, looking back to the proceedings of this day, say of them, as they have been constrained to speak of their fathers, "we wish their decision had been different; we regret the existence of this unfortunate population among us; but we found them here: we know not what to do with them; it is our misfortune, we must bear it with patience."

History will record the decision of this day as exerting its influence for centuries to come over the population of half our continent. If we reject the amendment and suffer this evil, now easily eradicated, to strike its roots so deep in the soil that it can never be removed, shall we not furnish some apology for doubting our sincerity, when we deplore its existence. . . .

Mr. Chairman, one of the gentlemen from Kentucky (Mr. Clay) has pressed into his serv-

ice the cause of humanity. He has pathetically urged us to withdraw our amendment and suffer this unfortunate population to be dispersed over the country. He says they will be better fed, clothed and sheltered, and their whole condition will be greatly improved. Sir, true humanity disowns his invocation. The humanity to which he appeals is base coin; it is counterfeit, it is that humanity which seeks to palliate disease by the application of nostrums, which scatter its seeds through the whole system — which saves a finger to-day, but amputates the arm to-morrow. Sir, my heart responds to the call of humanity; I will zealously unite in any practicable means of bettering the condition of this oppressed people. I am ready to appropriate a territory to their use, and to aid them in settling it — but I am not willing, I never will consent to declare the whole country west of the Mississippi a market overt for human flesh. . . .

To the objection that this amendment will, if adopted, diminish the value of a species of property in one portion of the Union, and thereby operate unequally, I reply, that if, by depriving slaveholders of the Missouri market, the business of raising slaves should become less profitable, it would be an effect incidentally produced, but is not the object of the measure. The law prohibiting the importation of foreign slaves was not passed for the purpose of enhancing the value of those then in the country, but that effect has been incidentally produced in a very great degree. So now the exclusion of slavery from Missouri may operate, in some measure, to retard a further advance of prices; but, surely, when gentlemen consider the present demand for their labor, and the extent of country in Louisiana, Mississippi, and Alabama, requiring a supply, they ought not to oppose their exclusion from the territory in question. It is further objected, that the amendment is calculated to disfranchise our brethren of the South, by discouraging their emigration to the country west of the Mississippi. If it were proposed to discriminate between citizens of the different sections of our Union, and allow a Pennsylvanian to hold slaves there while the power was denied to a Virginian, the objection might very properly be made; but, when we place all on an equal footing, denying to all what we deny to one, I am unable to discover the injustice or inequality of which honorable gentlemen have thought proper to complain. The description of emigrants may be affected, in some measure, by the amendment in question.

If slavery shall be tolerated, the country will be steelcd by rich planters, with their slaves; if it shall be rejected, the emigrants will chiefly consist of the poorer and more laborious classes of society. If it be true that the prosperity and happiness of a country ought to constitute the grand object of its legislators, I cannot hesitate for a moment which species of population deserves most to be encouraged by the laws we may pass. Gentlemen, in their zeal to oppose the amendment, appear to have considered but one side of the case. If the rejection of slavery will tend to discourage emigration from the South, will not its admission have the same effect in relation to the North and East. Whence came the people who, with a rapidity never before witnessed have changed the wilderness between the Ohio and Mississippi into fruitful fields; who have erected there, in a period almost too short for the credibility of future ages three of the freest and most flourishing States in our Union. . . . Do you believe that these people settle in a country where they must take rank with negro slaves? Having neither the ability nor will to hold slaves themselves, they labor cheerfully while labor is honorable; make it disgraceful, they will despise it. You cannot degrade it more effectually than by establishing a system whereby it shall be performed principally by slaves. The business in which they are generally engaged, be it what it may, soon become debased in public estimation. It is considered low, and unfit for freemen. . . .

An argument has been urged by a gentleman from Virginia (Mr. Barbour) against the proposed amendment, connected with our revenues. He said, that by prohibiting the further introduction of slaves into the proposed State, we should reduce the price and diminish the sales of our public lands. In my opinion, the effect would be precisely the reverse. True, it is that lands for cultivation have sold higher in Alabama than in Illinois, but this is owing not to the rejection of slavery in the one and its admission into the other, but to the different staples they are capable of producing. . . . Pennsylvania and Maryland furnish fair specimens of comparison in all these respects. . . . Land on the Pennsylvania side of the line, where the power of holding slaves does not exist, uniformly sells at a higher price than lands of equal quality on the Maryland side, where the power is in full exercise. It therefore is probable that the further introduction of slavery into Missouri, far from

increasing, would actually diminish the value of our public lands. . . .

The facts and arguments to which I have drawn your attention, more particularly relate to our condition as a Federal Republic, and our duties to Missouri, arising from the relation in which she stands to the Union. . . . I cannot sit down without expressing an earnest hope that our present decision may be such as will promote union, stability, and security of our country. . . .

2. SOUTHERN VIEWS ON THE EXTENSION OF SLAVERY

Southerners were not impressed by arguments such as those put forth by Representative Taylor, and they quickly came to the defense of slavery extension. Charles Pinckney of South Carolina, who had been a member of the Constitutional Convention, gave one of the most eloquent arguments against excluding slavery from Missouri. After insisting that the real motive of the free states was to increase their political power over the South in the national government, Pinckney turned to the constitutional and moral questions.¹⁰

IF I HAVE SUCCEEDED . . . in proving the unreasonableness of the complaints of the Eastern and Northern States on the subject of representation, it would, I suppose, appear extraordinary to the people of this nation that this attempt should now be made, even if Congress should be found to possess the right to legislate or interfere in it. But if, in addition to this, it should be in my power to show that they have not the most distant right to interfere, or to legislate at all upon the subject of slavery, or to admit a State in any way whatever except on terms of perfect equality; that they have no right to make compacts on the subject, and that the only power they have is to see that the government of the State to be admitted is a republican one, having legislative, executive, and judiciary powers, the rights of conscience, jury, a habeas corpus, and all the great leading principles of our republican system, well secured, and to guaranty them to it: if I shall be able to do this, of course the attempt must fail, and the amendment be rejected.

The supporters of the amendment contend that Congress have the right to insist on the prevention of involuntary servitude in Missouri; and found the right on the ninth section of the

¹⁰ *Annals of Congress*, 16 Cong., 1 Sess., pp. 1310 ff.

first article, which says, "the migration or importation of such persons as the States now existing may think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation not exceeding ten dollars."

In considering this article, I will detail, as far as at this distant period is possible, what was the intention of the Convention that formed the Constitution in this article. The intention was, to give Congress a power, after the year 1808, to prevent the importation of slaves either by land or water from other countries. The word import, includes both, and applies wholly to slaves. Without this limitation, Congress might have stopped it sooner under their general power to regulate commerce; and it was an agreed point, a solemnly understood compact, that, on the Southern States consenting to shut their ports against the importation of Africans, no power was to be delegated to Congress, nor were they ever to be authorized to touch the question of slavery; that the property of the Southern States in slaves was to be as sacredly preserved, and protected to them, as that of land, or any other kind of property in the Eastern States were to be to their citizens. . . .

A great deal has been said on the subject of slavery — that it is an infamous stain and blot on the States that hold them; not only degrading the slave, but the master, and making him unfit for republican government; that it is contrary to religion and the law of God; and that Congress ought to do every thing in their power to prevent its extension among the new states.

Now, sir, I should be glad to know how any man is acquainted with what is the will of the law of God on this subject. Has it ever been imparted either to the old or new world? Is there a single line in the Old or New Testament, either censuring or forbidding it? I answer without hesitation, no. But there are hundreds speaking of and recognising it. Hagar, from whom millions sprang, was an African slave, bought out of Egypt by Abraham, the father of the faithful and the beloved servant of the Most High; and he had, besides, three hundred and eighteen male slaves. The Jews, in the time of the theocracy, and the Greeks and Romans, had all slaves; at that time there was no nation without them. If we are to believe that this world was formed by a great and omnipotent Being; that nothing is permitted to exist here but by his will, and then throw our eyes throughout the whole of it, we should form an opinion very dif-

ferent indeed from that asserted, that slavery was against the law of God. . . .

It will not be a matter of surprise to any one, that so much anxiety should be shown by the slaveholding States, when it is known that the alarm, given by this attempt to legislate on slavery, has led to the opinion, that the very foundations of that kind of property are shaken; that the establishment of the precedent is a measure of the most alarming nature; for, should succeeding Congresses continue to push it, there is no knowing to what length it may be carried.

Have the Northern States any idea of the value of our slaves? At least, sir, six hundred millions of dollars. If we lose them, the value of the lands they cultivate will be diminished in all cases one half, and, in many, they will become wholly useless, and an annual income of at least forty millions of dollars will be lost to your citizens; the loss of which will not alone be felt by the non-slaveholding States, but by the whole Union; for, to whom, at present, do the Eastern States, most particularly, and the Eastern and Northern, generally, look for the employment of their shipping, in transporting our bulky and valuable products, and bringing us the manufactures and merchandises of Europe? Another thing, in case of these losses being brought on us, and our being forced into a division of the Union, what becomes of your public debt? Who are to pay this, and how will it be paid? In a pecuniary view of this subject, therefore, it must ever be the policy of the Eastern and Northern States to continue connected with us. But, sir, there is an infinitely greater call upon them, and this is the call of justice, of affection, and humanity. Reposing at a great distance, in safety, in the full enjoyment of all their Federal and State rights, unattacked in either, or in their individual rights, can they, with indifference, or ought they to risk, in the remotest degree, the consequences which this measure may produce. *These may be the division of this Union, and a civil war. . . .* I am unwilling, for obvious reasons, to go into the description of the horrors which such a war must produce, and ardently pray that none of us may ever live to witness such an event. . . .

THOMAS COBB OF GEORGIA SPEAKS 11

MR. COBB observed that he did not rise for the purpose of detaining the attention of the House for any length of time. He was too sensible of

the importance of each moment which yet remained of the session, to obtrude many remarks upon their patience. But, upon a measure involving the important consequences that this did, he felt it to be an imperious duty to express his sentiments, and to enter his most solemn protest against the principle proposed for adoption by the amendment. Were gentlemen aware of what they were about to do? Did they foresee no evil consequences likely to result out of the measure if adopted? Could they suppose that the Southern States would submit with patience to a measure the effect of which would be to exclude them from all enjoyment of the vast region purchased by the United States beyond the Mississippi, and which belonged equally to them as to the Northern States? He ventured to assure them that they would not. The people of the slaveholding States, as they are called, know their rights, and will insist upon the enjoyment of them. He should not now attempt to go over ground already occupied by others, with much more ability, and attempt to show that, by the treaty with France the people of that territory were secured in the enjoyment of the property which they held in their slaves. That the proposed amendment was an infraction of this treaty, had been most clearly shown. Nor would he attempt to rescue from slander the character of the people of the Southern States in their conduct towards, and treatment of their black population. That had also been done with a degree of force and eloquence to which he could not pretend to claim, by the gentleman from Virginia, (Mr. Barbour,) and the honorable Speaker. He was, however, clearly of opinion that Congress possessed no power under the Constitution to adopt the principle proposed in the amendment. . . . What is the end and tendency of the measure proposed? It is to impose upon the State of Missouri conditions not imposed upon any other State. It is to deprive her of one branch of sovereignty not surrendered by any other State in the Union, not even those beyond the Ohio; for all of them had legislated upon this subject: all of them had decided for themselves whether

slavery should be tolerated at the time they framed their several constitutions. He would not now discuss the propriety of admitting slavery. It is not now a question whether it is politic or impolitic to tolerate slavery in the United States, or in a particular State. It was a discussion into which he would not permit himself to be dragged. Admit, however, its moral impropriety: yet there was a vast difference between moral impropriety and political sovereignty. The people of New York or Pennsylvania may deem it highly immoral and politically improper to permit slavery, but yet, they possess the sovereign right and power to permit it, if they choose. . . . It is a branch of sovereignty which the old thirteen States never surrendered in the adoption of the Federal Constitution. Now the bill proposes that the new State shall be admitted upon an equal footing with the other States of the Union. It is in this way only that she can be admitted, under the Constitution. These words can have no other meaning than that she shall be required to surrender no more of her rights of sovereignty, than the other States, into a union with which she is about to be admitted, have surrendered. But if the proposed amendment is adopted, will not this new State be shorn of one branch of her sovereignty, one right, which the other States may and have exercised, . . . and do now exercise whenever they think fit?

Mr. C. observed that he did conceive the principle involved in the amendment pregnant with danger. It was one, he repeated, to which he believed the people of the region of country which he represented would not quietly submit. He might perhaps subject himself to ridicule for attempting the display of a spirit of prophecy which he did not possess, or of zeal and enthusiasm for which he was entitled to little credit. But he warned the advocates of this measure against the certain effects which it must produce. *Effects destructive of the peace and harmony of the Union. He believed that they were kindling a fire which all the waters of the ocean could not extinguish. It could be extinguished only in blood!*

Chapter Ten

Jacksonian Democracy



Andrew Jackson on His Way to Washington

THE ELECTION OF ANDREW JACKSON in 1828 was a victory for the growing democratic forces in the United States. Thomas Hart Benton, a strong Jackson man, declared that it was "a triumph of democratic principle and assertion of the people's right to govern themselves." Jackson was a representative of the democratic trend in American life which had been developing for over a decade. Particularly during the 1820's, there was an increasing dissatisfaction with the National Republicans and the governmental policies which they favored, such as the protective tariff and the establishment of a national bank.

The majority of Jackson's supporters were western farmers and the rising class of factory workers who labored in the factories along the eastern seaboard. A large number of people felt that the national government under the Federalists and the Jeffersonian Republicans had been unsympathetic to their needs and desires. They wanted to share more fully and directly in the fruits of government.

Jefferson had been a great believer in democratic theory, but in practice he had been aristocratic and believed that government should be operated by the better educated and upper social classes. He reached a democratic doctrine, but favored only slow and conservative political changes. Jefferson did not typify the common people of his day. He did not think their thoughts or share their tastes or passions.

But Andrew Jackson experienced the feelings and aspirations of the common man. In this was his strength as a democratic force. Jackson did not create this new democracy which bears his name; he was a product of it. He personified a new political order in which the masses of the common people would play a prominent part in their own government. They would govern themselves through strong leaders, rather than be governed by others for the benefit of others. The Age of the Common Man was beginning. Democracy had found a new leader.

I

The New Democracy

THERE WERE NUMEROUS POLITICAL CHANGES during the Jackson period which were aimed at permitting the average citizen to play a greater part in his government. Old restrictions were swept away and new political methods were adopted to curb the power of the privileged class. Professor Charles Edward Merriam in his book, *A History of American Political Theories*, ably summarizes the political aspects of Jacksonian Democracy.¹

THE RADICAL MOVEMENT which was destined to break down the power of the landed aristocracy, level the old barriers of exclusiveness, and open the way for government of a more popular character, took the form of Jacksonian Democracy. Its leaders made few contributions to democratic political theory, but they broadened the application of principles already familiar. By expanding the electorate, a revolution was made in the basis of the democracy, and radical changes in the superstructure were equally conspicuous. . . .

Two great forces were back of the Jacksonian democracy. These were, in the first place, the frontier conditions and ideas in the West and South; and, in the second place, the growth of cities and an industrial class. By 1830 nine new states had been added to the original thirteen and by 1850 there had been sixteen admitted, of which only two, Maine and Vermont, were not on the Western frontier. In these new states the conditions, economic and social, were highly favorable to the development of the democratic spirit. Frontier life tended to produce self-reliance, independence, and individuality. It developed a sense of equality on the part of the members of the community. There was no great wealth, no highly polished society, no leisure class, and no historic tradition; the conditions were accordingly unfavorable to aristocratic theory or practice. To the hardy pioneers, the idea of a *jure divino* king, an hereditary nobility, or a specially privileged class was ridiculous in the extreme; while religious or property qualifications, permanent or long tenure of office, and similar restrictions were altogether unacceptable. They firmly believed in the sovereignty of the people, and, furthermore, in the necessity of

giving to the mass of the population, as far as possible, the direction of public affairs. Anything in the shape of special privilege or class exclusiveness became at once an object of suspicion and distrust; but confidence in the people was always met with hearty applause, and was the surest way to popular approval.

A second cause was the increase of the city population, and the development of other than agricultural pursuits. By reason of this development there came into existence a population and a set of interests different from those of the freeholders' aristocracy. They demanded the right to share in the active exercise of political power, exerted pressure in this direction, and helped to bring about the same state of affairs in the East that was being realized in the Western and Southern states.

This democratic tendency found expression in national politics through the election to the Presidency of Andrew Jackson. In his personality the new leader embodied the characteristics of the new democracy. His defeat of John Quincy Adams, the skilled and accomplished statesman, marked the advent of another type of chief executive and the end of a long line of the old school Presidents. To many grave thinkers, the election of Jackson seemed the triumph of "King Mob," and portended the ascendancy of the worst elements of the people, the rule of an ignorant and incapable democracy. They thought that republican institutions were threatened with the very gravest danger, and would not have been surprised to see them wholly subverted.

The importance of the new departure was soon felt in the national government. The President regarded himself as the representative of the people, and asserted the rights of the executive against the legislature and the judiciary as

¹ Charles Edward Merriam, *A History of American Political Theories* (New York: The Macmillan Company, 1901), pp. 176-199. Used by permission of the author.

they had never been asserted before. In the days when state constitutions had first been formed, overwhelming predominance had been given to the legislative department; and in the national government also, Congress had occupied the most conspicuous place up to this time. Congressmen had nominated candidates for the Presidency; had already directly chosen two Presidents; their law-making power had seldom met with executive check; they had occupied the foremost place in the direction of the affairs of the nation. In the days of Jackson, the rule of "King Caucus" was overthrown in favor of the less aristocratic *nominating convention*. The long dormant veto power was brought out and used in a way that had never been thought of in the old régime. The constitutional strength of the executive was for the first time revealed, and the legislature met its first decisive check. . . .

The legislature . . . had reached the climax of its power in the days of the Revolution, and there was now a pronounced reaction against that department. This was one of the most significant points in Andrew Jackson's administration. He announced himself as the representative of the people in as true a sense as the Congress, and declared his independence of, or better, his right to an equal rank with, the other two departments. The executive, since the time of the Revolution shorn of power, again found strength to assert himself in the affairs of state. It may fairly be said that one of the first fruits of the new democratic régime was a decisive victory for the executive, representing the people, over the congressional aristocracy inherited from the Revolution. It was the old story over again, of a strong executive supported by the masses of the people against a well-intrenched aristocracy; and the victory rested with the executive. Jackson undoubtedly believed that he was the representative of the people against the legislative aristocracy; the people apparently regarded him as their champion in the conflict, and were willing to trust him with great powers in order to insure the victory.

A similar expansion of the executive power is noticeable in the individual states. In fact, the movement began there, and not in the national government. The selection of the governor was taken away from the legislature and submitted to the direct vote of the people; the term of office was materially lengthened; the great weapon for the defence of the executive prerogative, the veto, was in general vested in the governor, and also a larger share of the ap-

pointing power. At the same time, the former high property qualifications were removed, and the position was made accessible to all citizens so far as wealth was concerned. In short, there arose a new idea in regard to the executive and his place in the scheme of government. This was well expressed by one of the delegates to the New York Convention of 1821. "An erroneous idea," said he, "seems to have prevailed in relation to the powers and origin of the governor. Who is he? and by whom is he appointed? Does he derive his authority from the king of Great Britain? Is he an usurper? If so, let us unite to depose him. But, sir, he is the man of the people — elected by their suffrages and identified with their interests. He is a watchful sentinel to guard us from evil and a zealous friend to admonish us of error."

It is evident, then, that one pronounced feature of the democratic movement in the first half of the century was the elevation of the executive and the degradation of the legislative power. The early distrust of the executive, which once took the form of a fear that monarchy might return, had disappeared, and also the early confidence in the legislature. Popular suspicion seemed to be directed, not so much against a tyrannical monarchy, as against "encroaching aristocracy." The public was willing to intrust large powers to one man, but was jealous of the authority of a legislative coterie, or a "banking aristocracy," or aristocracy in any shape or form. As has often been the case, the instrument by which the aristocracy was overthrown, in this instance also, was a powerful executive. In the national field this change centres around the career of Andrew Jackson; in the states the same tendency was at work, readjusting the balance between the legislative and the executive power.

Another point in national administration was carried for the radical democracy, when the principle of rotation in office and the "spoils system" obtained recognition. This was primarily a victory for party organization, but the idea of rotation in office was a democratic one. This result had already been partly achieved by the provisions in state constitutions for short terms of office, and in many instances by limitations upon re-eligibility. But now the general principle was accepted that all offices should be held for short terms only, in order that all citizens might have better opportunity to secure a position. The idea rested on the assumption that one man is about as well fitted for any office as any other man, and may, therefore, be safely intrusted with

official responsibility. It was diametrically opposed to the doctrine that office should be held on the ground of special fitness, and that long tenure of office gives one, in a sense, a vested right to the position.

By no one was the popular notion more clearly stated than by Jackson himself in his first annual message to Congress. Here are found the two ideas on which the new system rested; namely, that experience is not very important for a public servant, and secondly, that a long tenure of office is actually detrimental to good public service. "There are, perhaps, few men," said Jackson, "who can for any great length of time enjoy office and power without being more or less under the influence of feelings unfavorable to the discharge of their public duties." And again he argued that "the duties of all public officers are, or at least admit of being made, so plain and simple that men of intelligence may readily qualify themselves for their performance; and I cannot but believe that more is lost by long continuance of men in office than is generally to be gained by their experience." He further urged that the proposed measure "would destroy the idea of property in office now so generally connected with official station; and although individual distress may be sometimes produced, it would, by promoting that rotation which constitutes a leading principle in the republican creed, give healthful action to the system." Such was the doctrine of rotation in office as announced by President Jackson. . . . It was, in fact, generally believed that no great skill is necessary for the work of governmental administration; and, on the other hand, that an officer long in the public service would lose sympathy with the people, and become a devotee of officialism and bureaucracy. Life estate or even long estate in office was attacked by the democracy of this time in the same way that monarchy and aristocratic privilege had been at an earlier time. This attack was one part of the great movement which swept away what was left of privilege, and opened the way for the democratization of political institutions. That some of the ideas accompanying this advance should be crude, radical, or extreme, was in the nature of things to be expected.

One of the most important measures of this period was the general extension of the suffrage from the "property" basis to a "manhood" basis. This change went down to the very roots of the political society, and for that reason deserves the most careful attention. At the time when the

republic was founded there were very strict limitations on the electorate. Political power was kept tightly in the hands of the freeholders, who were to all intents and purposes "the people." These qualifications began to disappear, however, soon after the establishment of the federal government. Few of the new states entering the Union adopted the property requirement, and the old states slowly abandoned the restrictions found in their constitutions. Stubborn resistance to the tendency was often encountered, notably in the case of Virginia, New York, Massachusetts, and Rhode Island; yet the advance was sure, no backward step was taken, and by the middle of the century property qualifications for suffrage had been practically abolished in all the states. A few restrictions were still in existence, but these were not oppressive in character, and excluded no large section of the community. In the majority of the states, however, even these restrictions were omitted, and the broad principle of manhood suffrage (white) received full recognition. The old property qualifications were outgrown and a new democracy sprang up, based, not on the freeholders, but on the whole body of adult male citizens. The electorate was enormously expanded, and there came into existence a type of democracy which made that of Revolutionary days seem like a limited aristocracy.

Recognition was won for this new idea only after a bitter and protracted struggle. The doctrine that suffrage should depend upon property was tenacious of life, and clung desperately to its hold on the state constitutions. The property requirement was supported by some of the ablest men in the nation, and it is from one point of view surprising that the opposite principle was able to make headway against such talented advocates. John Adams, Daniel Webster, and Joseph Story defended the property qualification in Massachusetts. In New York Chancellor Kent bitterly opposed the adoption of universal suffrage; in Virginia there were arrayed against the extension of the franchise, Madison, Monroe, Marshall, Randolph, and Upshur. The opposition to the freehold principle could boast no such formidable champions.

The earnestness displayed in the defence of property, and the ability with which the cause was conducted, are such as might have been expected from a class long accustomed to the possession of the right to govern. To this dominant class, the plan of extending the suffrage to practically all male adults appeared to be fraught

with the very gravest danger. The project seemed to them to be without foundation either in reason or in justice, and they did not see how it could result in anything but the subversion of democratic institutions. The results of the adoption of the principle of universal suffrage as predicted by the famous jurist, Kent, were the abuse of liberty, the oppression of minorities, the disturbance of chartered privileges, the degradation of justice, unequal taxation, crude and unstable legislation. "I hope, sir," said the venerable judge, "we shall not carry desolation through all the departments of the fabric erected by our fathers. I hope we shall not put forward to the world a constitution such as will merit the scorn of the wise and the tears of the patriot." On every hand, it was urged that the freeholders are the safest and most conservative depository of political power. They were considered as the only class capable of actively entering into political affairs. Frequent and always unfavorable contrasts were drawn between the solid class of landed gentry, and the commercial and laboring classes found in the cities, with the uniform conclusion that political power might be most safely intrusted to those who held the land. This idea was of course connected with the theory, sanctioned by Jefferson himself, that a democracy thrives best where it has an agricultural population as its basis. Profound distrust of the capacity of the urban population for the exercise of political power helped materially to stiffen the resistance made by the ruling class to sharing its authority with others. From the strength displayed by the old aristocracy at this time, one may judge of the importance and the significance of the new democratic movement. . . .

Slowly the old idea that the holders of real estate are the political people was discredited and abandoned, and the way opened to practically all citizens of mature years. The land-holding class abdicated, and the mass of the people was intrusted with the power of political control. This was by far the most important change made during the Jacksonian epoch, for it radically altered the foundation of the republic.

At the same time, the property qualifications for office-holding became unpopular and were cast aside. When the new states came in, these requirements generally found no place, and the old states, one by one, abolished the severe requirements of colonial and Revolutionary days. A few states, notably Delaware and Massachusetts, clung persistently to these early provisions

or remnants of them almost down to the end of the nineteenth century, but they were exceptions. Generally speaking, by the middle of the century property qualifications for office in the United States were a thing of the past. Office was no longer the monopoly of the few, but was thrown open to all so far as wealth was concerned.

With these restrictions on suffrage and office went those of a religious character. A majority of the original thirteen states disqualified Roman Catholics, and all but New York and Rhode Island imposed a religious test of some kind. These restrictions endured for only a short time, however, and very early began to drop out of the state constitutions. The Protestant clause was first abandoned, and finally the religious tests were omitted altogether; Protestant, Roman Catholic, Jew, Unitarian, and those of no religious profession were placed on the same footing in the political world. The tendency of the time was wholly opposed to conditioning political rights on religious considerations, and although the case was ably argued by those who defended such restrictions, they were unable to make effectual resistance to the demand that religious belief and political capacity should not be connected by the law of the land.

With the abolition of these tests disappeared the provisions for public taxation in support of churches in the states which had inherited religious establishments from the Revolution. The establishment of religion had been forbidden the national government in the Constitution, and the same provision was adopted by the states a little later. By 1833 the provisions for taxation in support of ecclesiastical organizations had been abolished, except in New Hampshire, where the Revolutionary clause is still found in the constitution.

Thus was completed that separation of church and state, which has since been a characteristic feature of American institutions. The idea was early stated by Jefferson, but was not at that time able to win a place for itself. The line of reasoning, however, was substantially that which was later followed. He urged that rights of conscience were not surrendered in the original contract, but were retained by the individual, and that government has, therefore, no jurisdiction over that field. Government, said he, can interfere only in respect to such acts as are injurious to others; but "it does me no injury for my neighbors to say there are twenty gods or no god. It neither picks my pocket, nor breaks my

leg." He denied that uniformity of belief was desirable, pointing out the advantages arising from variety. But even if desirable, such uniformity was not attainable by the use of coercion. The only effect of the use of force, he maintained, was "to make one half of the world fools, and the other half hypocrites." . . .

The abolition of religious tests and church establishment during this period was a recognition of these ideas. In general the line of reasoning followed was about that indicated by Jefferson and Madison. The underlying cause seems to have been the multiplicity of sects, which was highly favorable to mutual toleration, rather than antipathy to religion as such.

Another feature of the democratic movement during the first half of the nineteenth century was the increasing participation of the people in the election of their officers. In the earlier period this power had been largely in the hands of the legislature, and hence the choice of officers was, to that extent, indirect. With the increasing emphasis on the people, however, and the reaction from the early confidence in the legislatures, there came a decided change. Elections were taken out of the hands of the legislative bodies, and officers were chosen directly by the popular vote. In the national government, popular voting under the district system took the place of election by the legislature in the choice of representatives in the House, and the choice of presidential electors was also taken away from the legislature. In the states a tendency in the same direction was clearly evident. The choice of governor was taken away from the legislature and conferred upon the people, thus rendering him less dependent upon the legislative branch of government. Other officers, such as the treasurer and the auditor, were given over to popular election in place of choice through the legislature. Many minor officers were also made directly elective, such as clerks of court, sheriffs, and justices of the peace. The theory upon which this action rested was that the legislature is a more or less aristocratic body, and that the people should participate directly in the choice of their officers.

In this same connection should be noticed the popular opposition to certain elements in the judicial system, which were considered aristocratic. The courts, state as well as national, were objects of suspicion and often of open hostility. The Federal Supreme Court was feared because of its alleged encroachment upon the rights of the individual states, but the commonwealth courts also met with opposition from the

newly awakened democratic sentiment. This desire to put a check on the judiciary was expressed in two ways; namely, by an abbreviation of the judicial term of office, and by constitutional provision for the election of the judges by the people. In the early days of the Republic, the tenure of the judges had generally been during good behavior. Life tenure, however, was obnoxious to the new democracy, and was repudiated as occasion offered, particularly in the South and West, and also in some of the Eastern States. The tenure for life was replaced by a shorter term of from five to fifteen years, six, seven, and eight years being the most common periods allotted. Popular election of the judges was less easily carried through than the shortening of the term. At first, provision was made for the election of justices of the peace and minor officers, but toward the middle of the century popular election of the higher courts began to find general favor. . . . In the period from 1846 to 1853, no fewer than thirteen states recognized the elective principle in the choice of judicial officers of the highest grades. Thus, with the abandonment of life tenure of office and the adoption of a popular system of judicial election, the democracy triumphed in the third great branch of government — the judiciary.

Another evidence of the democratic tendencies of this period is the method in which changes in the fundamental law were made. Of the Revolutionary constitutions, only two were submitted to the people, the others being adopted by convention alone. By 1830 the practice of submitting constitutions to a popular vote for ratification had become frequent; and in the period from 1830 to 1850 only two constitutions went into operation without having received popular sanction at the polls.

Summing up the democratic movement of this period, we have the following results. The electorate was largely increased by the abolition of property qualifications. Religious and property requirements for office-holding were abandoned, terms of office were shortened, the principle of "rotation in office" was accepted, provision was made for popular election of officers, the legislative department of government became an object of suspicion, and the executive was correspondingly advanced in popular favor. These numerous and important changes marked the rise of a new democracy, widely different from that of Revolutionary times, or the early days of the Republic. . . .

II

The Inauguration

WHEN ANDREW JACKSON WAS INAUGURATED on March 4, 1829, large crowds of devoted followers descended on the nation's capital to see their hero officially installed in the White House. Never had there been so much excitement and enthusiasm at a presidential inauguration. Something of the democratic flavor of the occasion has been recorded by a contemporary and passed on to us by James Parton in his *Life of Andrew Jackson*.²

"NO ONE WHO WAS at Washington at the time of General Jackson's inauguration is likely to forget that period to the day of his death. To us, who had witnessed the quiet and orderly period of the Adams' administration, it seemed as if half the nation had rushed at once into the Capital. It was like the inundation of the northern barbarians into Rome, save that the tumultuous tide came in from a different point of the compass. The West and the South seemed to have precipitated themselves upon the North and overwhelmed it. On that memorable occasion you might tell a 'Jackson man' almost as far as you could see him. *Their every motion seemed to cry out 'victory!'* Strange faces filled every public place, and every face seemed to bear defiance on its brow. It appeared to me that every Jackson editor in the country was on the spot. They swarmed, especially in the lobbies of the House, an expectant host, a sort of Praetorian band, which, having borne in upon their shields their idolized leader, claimed the reward of the hard-fought contest. His quarters were assailed, surrounded, hemmed in, so that it was an achievement to get into his presence. On the morning of the inauguration, the vicinity of the Capitol was like a great agitated sea; every avenue to the fateful spot was blocked up with people, in so much that the legitimate procession which accompanied the President-elect could scarce make its way to the eastern portico, where the ceremony was to be performed. To repress the crowd in front, a ship's cable was stretched across about two-thirds of the way up the long flight of steps by which the Capitol is approached on that side, but it seemed, at times, as if even this would scarce prove sufficient to re-

strain the eagerness of the multitude, every man of whom seemed bent on the glory of shaking the President's hand. Never can I forget the spectacle which presented itself on every side, nor the electrifying moment when the eager, expectant eyes of that vast and motley multitude caught sight of the tall and imposing form of their adored leader, as he came forth between the columns of the portico, the color of the whole mass changed, as if by miracle; all hats were off at once, and the dark tint which usually pervades a mixed map of men was turned, as by a magic wand, into the bright hue of ten thousand upturned and exultant human faces, radiant with sudden joy. The peal of shouting that arose rent the air, and seemed to shake the very ground. But when the Chief Justice took his place and commenced the brief ceremony of administering the oath of office, it quickly sank into comparative silence; and as the new President proceeded to read his inaugural address, the stillness gradually increased; but all efforts to hear him beyond a brief space immediately around, were utterly vain."

Mr. Webster, in his serio-comic manner, remarks: "I never saw such a crowd here before. Persons have come five hundred miles to see General Jackson, and they really seem to think that the country is rescued from some dreadful danger!"

The ceremony over, the President drove from the Capitol to the White House, followed soon by a great part of the crowd who had witnessed the inauguration. Judge Story, a strenuous Adams man, did not enjoy the scene which the apartments of the "palace," as he styled it, presented on this occasion. "After the ceremony was over," he wrote, "the President went to the palace to receive company, and there he was visited

² James Parton, *Life of Andrew Jackson* (Boston: Houghton Mifflin Co., 1888), III, pp. 169-171.

by immense crowds of all sorts of people, from the highest and most polished, down to the most vulgar and gross in the nation. I never saw such a mixture. The reign of King Mob seemed triumphant. I was glad to escape from the scene as soon as possible." A letter writer said "A profusion of refreshments had been provided. Orange punch by barrels full was made, but as the waiters opened the door to bring it out, a rush would be made, the pails of liquor upset, and the most painful confusion prevailed. To

such a painful degree was this carried, that wine and ice-cream could not be brought out to the ladies, and tubs of punch were taken from the lower story into the garden, to lead off the crowds from the rooms. On such an occasion it was certainly difficult to keep any thing like order, but it was mortifying to see men, with boots heavy with mud standing on the damask satin covered chairs, from their eagerness to get a sight of the President."

III

The Spoils System and Party Power

ONE IMPORTANT ASPECT of Jacksonian Democracy was the more open and vigorous use of public office to reward faithful supporters. Jackson did not invent the idea of the spoils system, but he applied it more fully than his predecessors. By rewarding faithful workers, Jackson strengthened his party, and the party in turn became a greater instrument of political power. In his book entitled *Jacksonian Democracy*, William MacDonald has told of the spoils system in Jackson's time.³

ALTHOUGH JACKSON WAS the acknowledged leader of a new régime, and a bitter enemy of Clay and Adams, and although the political methods of Van Buren were well known, there seems to have been no general expectation in official circles, prior to March 4, 1829, that radical changes were in contemplation. The "memorandum of points," . . . embraced "a high-minded, enlightened principle in the administration as to appointments and removals." Webster wrote in January that "great efforts are making to put him (Jackson) up to a general sweep, as to all offices; springing from great doubt whether he is disposed to go it." On March 2 he notes the general impression that no great number of changes will be made. Thirty-eight nominations made by Adams were left without action by the Senate, in order that the choice might be made by Jackson. The fact that Jackson was supposed not to contemplate a second term, and that office-holders at Washington and elsewhere were among his strongest sup-

porters, may have strengthened official confidence. There was, however, a feeling of uncertainty, strengthened, no doubt by the demands of Jackson's supporters for the punishment of their opponents, and by newspaper predictions of extensive changes impending.

Upon the adjournment of the Senate, March 17, 1829, a general proscription began. Writers have vied with one another in depicting the terror that prevailed, especially in Washington. Age, length of service, satisfactory performance of duties, or financial dependence were no protection. Men who had grown old in the government service were dismissed at a moment's notice, and without recourse. Clerks whose living depended on their official salaries, and who had been rendered unfit, by reason of long employment in a bureau, for other occupations equally remunerative, were beggared. As a consequence, debts could not be collected or rents paid. It was reported in July that thirty-three houses which were to have been built in Washington during the year had been stopped because of the wide-spread uncertainty and demoralization, and that there were many cases of individual distress.

³ William MacDonald, *Jacksonian Democracy* (New York: Harper & Brothers, 1906), pp. 56-66. Copyright, 1906, by Harper & Brothers. Copyright, 1934, by William MacDonald. Used by permission of the publisher.

What added to the excitement was the fact that in most cases no reason for a removal was given, save that some one else wanted the place. The third item in Jackson's "memorandum of points" — "no solicitors to be appointed" — was apparently forgotten. Men who were in office one hour were out of it the next, yet without knowing why they were dismissed. Nor was the fitness of the candidate always considered; the chief test was loyalty to Jackson. All the executive departments were affected, as well as the post-offices, custom-houses, and other agencies throughout the country; and as the removal of the head of an office frequently carried with it numerous changes among subordinates, the "reform" became far-reaching.

Kendall, who received his commission as fourth auditor of the treasury March 21, wrote to a friend three days later that "the interest of the country" demanded that his office should be "filled with men of business, and not with babbling politicians. Partisan feelings shall not enter here, if I can keep them out. To others belong the whole business of electioneering." No one, however, went at the business of removal more thoroughly than he; indeed, if Kendall did not himself suggest the policy of Jackson, he certainly showed himself to be in hearty sympathy with it, and an adept in carrying it out. A circular of instructions which he shortly drew up declared that "clerks in this office hold their offices at the will of the Auditor and the Secretary of the Treasury. Independent of that they will have no right to their places. When that will decides on their removal, their rights cease." That he had some compunctions at the distress which the removals occasioned, would appear from a letter of June 1 to his wife, in which he says "I turned out six clerks Saturday. Several of them have families, and are poor. It was the most painful thing I ever did; but I could not well get along without it. Among them is a poor old man with a young wife and several children. I shall help to raise a contribution to get him back to Ohio, where he came from, and intend to give him fifty dollars myself."

In the post-office department there were 491 removals of postmasters and deputies, besides subordinates. The largest number, 131, was in New York; then came New Hampshire — Isaac Hill's bailiwick — with 55, Ohio with 51, Pennsylvania with 35, Massachusetts with 28. In few cases had there been complaints of the service. The customhouses at Portsmouth, Boston, New

York, Philadelphia, and New Orleans were purged. Swartwout, who had been one of Jackson's trusted political correspondents, and who was now appointed collector at New York — though Van Buren wrote that the appointment was made against his "decided and earnest remonstrance" — was "a chronic beggar for office," and later a defaulter. Calhoun, however, was "gratified" at the confirmation, and felt "confident that he will not disappoint the expectations of his friends." It was estimated that a thousand removals had been made before the meeting of Congress in December, and twice that number by the end of Jackson's first year. Most of the important offices were included in the list.

There was not, however, a "clean sweep." Kendall, in his review of the condition of the government during the first three years of Jackson's term, states that only one-seventh of the officials at Washington, one-sixteenth in the post-office department, and one eleventh in the country at large were replaced during that period. Benton, who regarded the removals as "indispensable," in view of the small number of resignations, declares that judicial officers, save one judge, were not disturbed; that only four out of seventeen foreign representatives were recalled during the first year, and that in the departments at Washington a majority of the employes remained opposed to Jackson throughout his administration. Certain it is, however, that there were loud complaints of the number and the circumstances of removals, particularly of postmasters; that the public service deteriorated, and that business men and others who had to deal with federal agencies were embarrassed and annoyed. There was particular complaint of the appointment of Jackson editors, fifty-five of whom received offices during the first two years, many of them continuing their editorial duties while holding office.

In his first annual message, December, 1829, Jackson urged the propriety of excluding members of Congress "from all appointments in the gift of the President in whose election they may have been officially concerned." Judicial, diplomatic, and cabinet officers were excepted. The excepted officers were obviously the ones of most importance, yet Jackson himself had negatived his own recommendation in advance by appointing, within three months of his inauguration, two collectors, an appraiser, and a district attorney from members of Congress. His appointments of this class in one year were more numerous than those of any of his predecessors

in a term. The message further recommended a general extension of the law which limited certain classes of appointments to four years. The reasons advanced in support of such a step were as ridiculous as they were specious. Long continuance in office, Jackson declared, inevitably begets indifference to the public interests, and opens the way for incompetency and corruption. "The duties of all public officers are, or at least admit of being made, so plain and simple that men of intelligence may readily qualify themselves for their performance." Moreover, as no one has any more intrinsic right than another to an office, "no individual wrong" is done by removal, "although individual distress may be sometimes produced." "He who is removed has the same means of obtaining a living that are enjoyed by the millions who never held office."

Two months elapsed before all the nominations made during the recess were sent in, and the subject was before the Senate for two months more. Frequent requests for a statement of the reasons for particular removals were made, and were availed of as occasions for debate. Webster doubted whether the Constitution vested in the president the power of removal without the consent of the Senate, holding it to be "only incident to the power of appointment." He asked Chancellor Kent for an opinion, and the great jurist, who had heard the question debated in 1789, was inclined to agree with Hamilton, in the *Federalist*, that the consent of the Senate was needed. "The power to appoint and reappoint, when all else is silent, is the power to remove." At the same time, he regarded the action of the first Congress and the acquiescence of half a century as closing the constitutional question.

Against the expediency of such wholesale removals, with the resulting demoralization of the public business, there was better ground for argument. Many of the nominations were eventually rejected by the Senate. A few very objectionable ones were withdrawn. Webster wrote that the debate, of course in secret session, was "sometimes pretty warm," and refers to "the importunities of friends and the dragooning of party." "Were it not for the fear of the out-door popularity of General Jackson," he adds, "the Senate would have negatived more than half his nominations." Kendall's nomination was confirmed only by the casting vote of the vice-president, perhaps from fear lest Kendall, if rejected, might establish a paper in opposition to the *Telegraph*.

To just what extent Jackson's policy changed

the personnel of the civil service cannot be stated with precision. If the statements of Kendall and Benton be accepted — and there is no reason to doubt their approximate correctness — only a minority of officeholders were directly affected. All the evidence seems to show that it was the manner as much as the number of removals that impressed public opinion, and that after the first year the excitement largely subsided. We do not hear much of the subject after 1830, partly, perhaps, because those who remained in office had been terrorized, and partly because there were few more important offices to fill. There was occasional discussion of the constitutional issue in Congress, and in 1835 a bill, introduced by Calhoun, providing for a repeal of the act of 1820, and for the submission of the reasons for removals to the Senate, passed the Senate by aid of the combined opposition; but the House took no action.

The substantial victory, therefore, lay with Jackson. There is no evidence that he ever regretted the course he had pursued. Frequent reference in his letters to the corrupt use of executive patronage by Adams suggests probably the main reason why Jackson thought such wholesale reform necessary. He seems to have convinced himself, also, that there was dishonesty in the public service. He wrote to Van Buren that the late removals of comptrollers and auditors had been made in the interest of honesty, adding, characteristically: "The people expect reform — they shall not be disappointed; but it must be *judiciously* done, and upon principle." In September, 1829, he wrote again to Van Buren that there were no complaints against General Cass, governor of Michigan territory, and no intention of removing him, "unless, in the settlement of his accounts, he should prove a defaulter, and you know the rule is, friend or foe, being a defaulter, must go."

Jackson certainly never abated his claim to the possession of absolute power of removal. A resolution of the Senate, February 3, 1831, declared it inexpedient to appoint citizens of one state to offices in another "without some evident necessity." In March, 1833, Jackson informed the Senate that he should make no further attempt to fill certain offices in Mississippi, because of the rejection of previous nominations under this rule. In a special message of February 10, 1835, he refused to lay before the Senate charges against Gideon Fitz, removed from the office of surveyor-general south of the state of Tennessee, declaring that the repetition of such requests

imposed upon him, "as the representative and trustee of the American people, the painful but imperious duty of resisting to the utmost any further encroachment on the rights of the executive."

Jackson was not in any sense the originator of the spoils system, but the responsibility of transplanting it from the states to the broader and more fertile field of national politics must rest

with him and his advisers. The growth of an office-seeking class dates from his time. There is nothing to show that the mass of the people, whose will Jackson always claimed to interpret inerrantly, viewed the new departure with anything but approbation. The reign of the old statesmanship was ended, and the people were coming into their own.

IV

Jackson and the Indians

DURING HIS TWO TERMS OF OFFICE, Jackson was faced with a number of important national problems. One of these was the Indian problem. It was not true, as sometimes stated, that Jackson believed every good Indian was a dead Indian. However, he agreed that the Indians must not stand in the way of white settlement. The issue of whether the federal government would protect the rights of the civilized tribes in the South reached a climax while Jackson was in the White House. Georgia had extended jurisdiction over Indian lands within her borders and insisted upon Indian compliance to the state laws. Appealing to the Supreme Court, the Cherokees won a favorable decision in the case of *Worcester v. Georgia* in 1832. It was a hollow victory, however, because Jackson refused to sustain the Court. He insisted that the Indians must move west of the Mississippi River. In his first annual message to Congress in December, 1829, Jackson outlined his views.⁴

THE CONDITION and ulterior destiny of the Indian tribes within the limits of some of our States have become objects of much interest and importance. It has long been the policy of Government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life. This policy has, however, been coupled with another wholly incompatible with its success. Professing a desire to civilize and settle them, we have at the same time lost no opportunity to purchase their lands and thrust them farther into the wilderness. By this means they have not only been kept in a wandering state, but been led to look upon us as unjust and indifferent to their fate. Thus, though lavish in its expenditures upon the subject, Government has constantly defeated its own policy, and the Indians in general, receding farther and farther to the west, have retained

their savage habits. A portion, however, of the Southern tribes, having mingled much with the whites and made some progress in the arts of civilized life, have lately attempted to erect an independent government within the limits of Georgia and Alabama. These States, claiming to be the only sovereigns within their territories, extended their laws over the Indians, which induced the latter to call upon the United States for protection.

Under these circumstances the question presented was whether the General Government had a right to sustain those people in their pretensions. The Constitution declares that "no new State shall be formed or erected within the jurisdiction of any other State" without the consent of its legislature. If the General Government is not permitted to tolerate the erection of a confederate State within the territory of one of the members of this Union against her consent, much less could it allow a foreign and inde

⁴ James D. Richardson, ed., *Messages and Papers of the Presidents* (Washington, 1896), II, pp. 456-459

pendent government to establish itself there. Georgia became a member of the Confederacy which eventuated in our Federal Union as a sovereign State, always asserting her claim to certain limits, which, having been originally defined in her colonial charter and subsequently recognized in the treaty of peace, she has ever since continued to enjoy, except as they have been circumscribed by her own voluntary transfer of a portion of her territory to the United States in the articles of cession of 1802. Alabama was admitted into the Union on the same footing with the original States, with boundaries which were prescribed by Congress. There is no constitutional, conventional, or legal provision which allows them less power over the Indians within their borders than is possessed by Maine or New York. Would the people of Maine permit the Penobscot tribe to erect an independent government within their State? And unless they did would it not be the duty of the General Government to support them in resisting such a measure? Would the people of New York permit each remnant of the Six Nations within her borders to declare itself an independent people under the protection of the United States? Could the Indians establish a separate republic on each of their reservations in Ohio? And if they were disposed would it be the duty of this Government to protect them in the attempt? If the principle involved in the obvious answer to these questions be abandoned, it will follow that the objects of this Government are reversed, and that it has become a part of its duty to aid

in destroying the States which it was established to protect.

Actuated by this view on the subject, I informed the Indians inhabiting parts of Georgia and Alabama that their attempt to establish an independent government would not be countenanced by the Executive of the United States, and advised them to emigrate beyond the Mississippi or submit to the laws of those States. . . .

As a means of effecting this end I suggest for your consideration the propriety of setting apart an ample district west of the Mississippi, and without the limits of any State or Territory now formed, to be guaranteed to the Indian tribes as long as they shall occupy it, each tribe having a distinct control over the portion designated for its use. There they may be secured in the enjoyment of governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier and between the several tribes. There the benevolent may endeavor to teach them the arts of civilization, and, by promoting union and harmony among them, to raise up an interesting commonwealth, destined to perpetuate the race and to attest the humanity and justice of this Government.

This emigration should be voluntary, for it would be as cruel as unjust to compel the aborigines to abandon the graves of their fathers and seek a home in a distant land. But they should be distinctly informed that if they remain within the limits of the States they must be subject to their laws. . . .

V

Jackson and Nullification

THE FAMOUS WEBSTER-HAYNE DEBATES of early 1830 raised the important problem of national power versus states rights. The question of whether a state could nullify a law of the national government — state sovereignty — became one of the most crucial issues confronting President Jackson. Hayne, from South Carolina, argued for states rights and the principle of nullification, Webster, from Massachusetts, for national power. The West held the balance of power, and it was thought that the West would follow Jackson. What position would Jackson take? Marquis James in his biography of Jackson has told of the events immediately following the Webster-Hayne debates and the situation which led to Jackson's championing the cause of national power.⁵

⁵ From *Andrew Jackson: Portrait of a President* by Marquis James, copyright 1937, used by special permission of the publishers, The Bobbs-Merrill Company, Inc.

ITS INTEREST WHITTLED by fragmentary reports and alarms, the country fell hungrily upon the speeches which, after painstaking rectifications of phrase, Webster and Hayne at length gave to an impatient press. By the tens of thousands the copies were snatched up; nullification was the topic of the hour at every crossroads. After the speeches had been read the question was, "Does Jackson stand with Webster or with Hayne?" A word, a nod from him would decide the course of a host of people. Mayhap it would decide the issue.

Report had it that after Hayne had made his first speech the President sent him a note of congratulation. This, however, was before the South Carolinian had been led into an open advocacy of the right of a state to sit in judgment upon an act of Congress. Certainly, since Webster's famous Second Reply, Old Hickory had kept his counsel, and neither principal to the great debate knew to what extent he had succeeded or failed to influence the views of an Executive who gave annoying evidence of a disposition to direct, rather than to obey, the masses that had elevated him to the chief magistracy. Webster, of course, had little chance to feel out the sentiment pervading the White House, which he visited only on formal occasions. On the other hand Hayne was a frequent social caller, familiar with the intimate atmosphere of the pipe scented study on the second floor. In fact the President was contemplating the offer of a choice appointment to the Senator's brother who had fought at New Orleans. Mrs. Donelson and Miss Eastin were planning a trip to New York in company with the Senator's family. More than this, Benton, Felix Grundy and other Administration senators, not of the distinctly southern branch of the party, felt that for the benefit of his pro-tariff constituents Mr. Webster had over stressed the perils of the situation. On the floor Benton came to Hayne's defense, accusing the New Englander of going too far in his characterization of the South Carolina movement as a step toward disunion and civil war.

Nevertheless, the continued silence of the President filled the Calhoun camp with vague misgivings. Writing under the eye of the Vice President, Duff Green began an increasingly warm series of editorial attacks on Webster's speech. "The doctrine contended for by General HAYNE is too well understood and too firmly established . . . to be shaken." Webster had joined Clay "in an unholy crusade against the administration." A praiseful column on Benton's rejoinder was

made occasion for contrasting New England's attitude during the War of 1812 with that of the West in which Jackson's exploits were given significant attention. As the *Telegraph* was supposed to reflect the views of the White House, Mr. Webster was moved publicly to dispute Green's interpretation of a passage from his speech. Whereupon Green dug up and reprinted a scurrilous campaign attack upon Jackson, which he said had appeared in a New England newspaper with "MR. WEBSTER'S public sanction."

After a month of this, and no sign from the White House, a subtler plan was formed to draw Old Hickory closer to the side of the South Carolina group. A grand subscription dinner in ostensible tribute to the memory of Thomas Jefferson was announced for April 13, 1830, the anniversary of his birth. The affair was to be at once distinguished and democratic. A subscription list left on the bar of Brown's Indian Queen Hotel enabled the humblest disciple of the great promulgator of liberal political thought, now four years under Monticello's sod, to sign his name, pay his fee and get a ticket entitling him to sit and sup with the famous. Less openly was the evening's program of speeches and toasts contrived, beginning on a broad note of appreciation of the Jeffersonian ideals, then narrowing to the Virginia Resolutions of 1798 adopted in opposition to the Alien and Sedition Laws, and then, as an analogous case, moving on to implied approval of South Carolina's resistance of the tariff. The President accepted an invitation to attend. This meant that, the prearranged speaking over, Andrew Jackson would offer the first volunteer toast of the evening.

As the date drew near, Old Hickory began to give thought to what he should say on that occasion. From the moment Webster had revealed the extent to which the nullification doctrine possessed the minds of the South Carolinians, Jackson had leaned toward the views of the Northerner, though this secret was so closely guarded that apparently only Lewis, Donelson and Van Buren knew it. Studiously these three observed the preparations for the banquet and reported to their chief. Van Buren's confidential man, C. C. Cambreleng of New York, and Benton and H. L. White, were on committees in charge of the dinner. The result was information leading Jackson to the conclusion that, if carried off as its promoters hoped, the affair "might menace the stability of the Union." His direct mind swept aside the fulminations of Duff Green, the fine-spun arguments of Hayne, the

criticisms of Benton. He saw, as Webster had seen, one central fact: the Union endangered. Jackson's political creed and social culture had been molded by the South. But his ideas of state sovereignty stopped short of any intention of allowing South Carolina to say what Federal statutes it would obey. Any tariff that was the law of the land Andrew Jackson would enforce. This line of reasoning placed him squarely beside Webster.

Taking up a pen Old Hickory fell to drafting a toast. Several sheets of paper went into the fire before a sentiment evolved that he regarded sufficiently compact and expressive. On the evening of the dinner he set out with Van Buren, as animated, the Secretary later said, as if he were preparing to defend the Union on a field of battle.

At the Indian Queen they encountered a scene of excitement and suspense. A printed list of the regular toasts lay beside each plate. Members of the Pennsylvania delegation had read them and marched from the room. A few others also left. The banquet under way, Hayne started the oratory with a flowery address. Then came the regular toasts, twenty-four in number, building, bit by bit, support for the South Carolina point of view. Jackson sat impassive. The volunteer toasts were next in order. Toastmaster Roane introduced the President of the United States. Old Hickory stood, waiting for the cheers to subside. So many diners were on their feet that the diminutive Van Buren, whose place was at the foot of the second table, climbed on his chair in order to see the President.

Old Hickory fixed his glance upon John C. Calhoun.

"Our Union: It must be preserved."

Utter silence. "A proclamation of martial law in South Carolina," remarked Isaac Hill, "and an order to arrest Calhoun where he sat could not have come with more blinding, staggering force." The white-haired soldier raised his glass, a signal that the toast was to be drunk standing. Calhoun rose with the rest, his hand trembling so that a little of the yellow wine trickled down the side of the tumbler. A moment more the chieftain stood there, as much the master as on the day he faced down a mutinous army at Fort Strother. Then, crossing to the far side of the

room, he spoke to Benton. By this time the Senator from Missouri had altered his ideas concerning the impropriety of Webster's "Liberty and Union, now and forever," destined, with Jackson's strikingly similar phrase, to become a rallying cry in the long fight begun that night to strangle secession.

Hayne rushed up. Would the President consent to the insertion of one word in his toast before the text was given to the newspapers? What was the word? asked Jackson. It was "Federal," making the toast read, "Our Federal Union—" Mistakenly the Southerner imagined this might give the sentiment a state rights flavor, diluting a little the pungency of the rebuke. Jackson agreed and, like many another historic epigram, the toast went forth amended to the world. Curiously Hayne's suggestion gave the President's utterance the exact form he had intended it should have. In speaking he had left the written slip in his pocket, and so omitted one word unintentionally.

When the gentlemen had resumed their places and the buzz of conversation ceased, the chairman called upon Mr. Calhoun for the second volunteer toast. The Vice-President arose slowly.

"The Union," he said, "next to our liberty, most dear."

After a moment's hesitation, and in a way that left hearers in doubt as to whether he was continuing the toast or beginning a speech, he added: "May we all remember that it can only be preserved by respecting the rights of the States and by distributing equally the benefits and burdens of the Union."

Never to learn the art of brevity, the Vice-President had left the honors with Jackson. A little later when the President withdrew, two-thirds of the company followed within five minutes, leaving not more than thirty diners to bring Mr. Calhoun's banquet to a formal close.

Though Duff Green's eleven-column report covered the President's participation with only two lines of type, the cat was out of the bag. A wave of nationalistic ardor swept the country, heartening the small Union Party in South Carolina which opposed the extremists' program.

The "reign" of Andrew Jackson had begun.

VI

Jackson and the Second United States Bank

JACKSON'S POPULARITY WAS ENHANCED as a result of his Indian policy, but his fight against the Second United States Bank endeared him even further to the common people of that day. The Bank had been chartered in 1816 and had grown steadily in economic power, despite opposition from many quarters. To many citizens the Bank represented "big business," monopoly, the powerful corporation, and they opposed its privileges granted in the original charter. In 1831 and 1832 the friends of the Bank sought to get it rechartered by Congress and a struggle between the Bank and anti Bank forces ensued.

1. BACKGROUND OF THE BANK FIGHT

*The background of the battle to recharter the Second United States Bank has been admirably told by Arthur M. Schlesinger, Jr. in his book, The Age of Jackson*⁶

THOUGH CONSERVATIVE JEFFERSONIANS, led by Madison and Gallatin, had come to accept Hamilton's Bank as necessary, John Taylor's dialectics and Randolph's invective kept the anti-Bank feeling alive, and men in the old radical tradition remained profoundly convinced of the evil of paper money. Jackson's hard-money views prompted his opposition to the Tennessee relief system in 1820. "Every one that knows me," as he told Polk in 1833, "does know, that I have been always opposed to the U. States Bank, nay all banks." Benton, from talks with Macon and Randolph and his observations of the collapse of the paper system in 1819, similarly concluded that the only safeguard against future disaster lay in restricting the system; and that, to this end, the government should deal only in gold and silver, thus withdrawing support from the issues of privately owned banks. Van Buren, Cambreleng, Taney and Polk more or less shared these views.

The ordinary follower of Jackson in the West also regarded the Bank with strong latent antagonism, but for very different reasons. Its policy in 1819 of recalling specie and checking the note issue of state banks had gained it few friends in any class, and, in Kentucky especially,

the Relief War kept resentments alive. But this anti-bank feeling owed little to reasoned distrust of paper money or to a Jeffersonian desire for specie. As a debtor section the West naturally preferred cheap money; and Kentucky, for example, which most vociferously opposed the United States Bank, also resorted most ardently to wildcat banking of its own. The crux of the Kentucky fight against the Bank was not the paper system, but outside control: the Bank's sin lay not in circulating paper money itself, but in restraining its circulation by Kentucky banks. Almost nowhere, apart from doctrinaires like Jackson and Benton, did Westerners object to state banks under local control.

Indeed, during the eighteen-twenties, even the Philadelphia Bank to a considerable degree overcame the Western prejudices against it. In Tennessee, for example, until 1829 "both [Governor William] Carroll and the legislature favored federal as well as state banks, nor does anything in the history of the state indicate that there was any general feeling against such institutions before Jackson became President." Caleb Atwater, a lusty Jackson man from Ohio and something of a professional Westerner, expressed a widespread feeling when he wrote in 1831, "Refuse to re-charter the bank, and Pittsburgh, Cincinnati, Louisville, St. Louis, Nashville, and New Orleans, will be crushed at one blow." Even Frank Blair's first large-scale blast against the Bank in the *Argus of Western America* after Jackson's election did not come until December 23, 1829, many months after Eastern groups had begun to agitate the question. This editorial—actually prefaced by an anti-Bank quote from a Van Buren paper in New York—

⁶ From *The Age of Jackson* by Arthur M. Schlesinger, Jr., by permission of Little, Brown & Co. Copyright, 1945, by Arthur M. Schlesinger, Jr. Pp. 76-87.

appealed to the Kentucky fear of Eastern control; and all through 1830 the *Argus* continued to focus on the power and privileges of the Bank and the consequent peril to the Commonwealth Bank of Kentucky, never on the general implications of the paper system.

Some writers have talked of frontier life as if it bred traits of "individualism" and equality which made Westerners mystically opposed to banks. Actually, like all other groups in the population, Westerners favored banks when they thought they could profit by them and fought them when they thought others were profiting at their expense. The Western enthusiasm for an assault on the Bank came, not from the intuitive democratic *Weltschmerz* born in the American forest, nor from a Jeffersonian dislike of banks, but from a farmer-debtor desire to throw off restraints on the local issue of paper money.

Similar objections to control from Philadelphia ranged many Easterners against the Bank. State institutions hoped, by falling heir to the government deposits, to enlarge their banking capital, at no expense to themselves. Special grievances multiplied the motives. The state banks of New York, for example, envied the United States Bank because its loan operations were not restricted by Van Buren's safety-fund system. New York City had long resented the choice of Philadelphia as the nation's financial capital. Thus in a fight against the Bank Jackson could expect the backing of a decent minority of the local banking interests.

But there was still another and more reliable source of support. In March, 1829, after the grim depression winter, a group of Philadelphia workingmen, under the very shadow of the Bank, called a meeting "opposed to the chartering of any more new banks." The hard times were blamed upon the "too great extension of paper credit," and the gathering concluded by appointing a committee, "without confining ourselves to the working classes," to draw up a report on the banking system. The committee, which was dominated by intellectuals, including two leading economists, William M. Gorge, editor of the *Philadelphia Gazette*, and Condé Raguet, editor of the *Free Trade Advocate*, as well as William Duane, the famous old Jeffersonian journalist, his son William J. Duane, a lawyer, Robert Vaux, the philanthropist, Reuben M. Whitney, a disgruntled businessman and former director of the Bank, and William English and James Ronaldson, two trade-union

leaders. A week later the committee pronounced its verdict on the paper system: —

The banks are useful as offices of deposit and transfer, we readily admit; but we cannot see that the benefits they confer in this way are so great as to compensate for the evils they produce, in . . . laying the foundation of *artificial* inequality of wealth, and, thereby, of *artificial* inequality of power. . . . If the present system of banking and paper money be extended and perpetuated, the great body of the working people must give over all hopes of ever acquiring any property.

This view was spreading rapidly through the Middle and Northern states of the East in the late eighteen-twenties. The working class was no more affected by an instinctive antipathy toward banking than the backwoodsmen beyond the Alleghenies; but they never enjoyed the Western opportunity of having banks under their own control. Their opposition, instead of remaining fitful and capricious, began slowly to harden into formal anti-banking principle. Their bitter collective experience with paper money brought them to the same doctrines which Jackson and Benton gained from the Jeffersonian inheritance.

The war against the Bank thus enlisted the enthusiastic support of two basically antagonistic groups: on the one hand, debtor interests of the West and local banking interests of the East; on the other, Eastern workingmen and champions of the radical Jeffersonian tradition. The essential incompatibility between cheap money and hard could be somewhat concealed in the clamor of the crusade. Yet that incompatibility remained, and it came to represent increasingly a difference between the Western and Eastern wings of the party, as the state banking group gradually abandoned the Jackson ranks. It was, indeed, a new form of the distinction between Western and Eastern readings of "equality." The West, in its quest for political democracy and home rule, did not object to paper money under local control, while the submerged classes of the East, seeking economic democracy, fought the whole banking swindle, as it seemed to them, root and branch.

The administration took care not to offend its cheap-money adherents by openly avowing hard-money ideas. Yet, the drift was unmistakable, and it rendered ineffective some of Jackson's Western followers for whom the battle was being pressed on lines they could not under-

stand. Richard M. Johnson, for example, a staunch relief man and ancient foe of the Bank, served on the House committee which investigated the Bank in 1832; but he could take no real part in a hearing dominated by Cambreleng's hard-money views, and, though he signed Cambreleng's report, he confessed later that he had not asked a question or looked at a Bank book. In general, the Western politicians, torn between the hard-money leanings of the White House and the cheap-money preferences of the folks back home, tended to pursue an erratic course.

Only the intellectuals, who did not have to think about reelection, effected a quick adjustment. Amos Kendall, who had been originally a hard-money man, perhaps from his Eastern upbringing, found no difficulty in reverting to his earlier opinions. Frank Blair also rapidly shifted his ground after coming to Washington. These were not basic reversals of position. Their allegiance, after all, had been primarily to a social class, not to a set of financial theories. The experience of the Kentucky relief system taught that salvation was not to be bought so cheaply: however much inflation might temporarily benefit a frontier state with a large debtor element, it was at best a risky expedient, imposed by political necessity; it never could serve as the basis of a national economic policy. Kendall and Blair, liberated from their local obligations, naturally turned to hard-money ideas as affording the only permanent solutions for the financial problems in favor of the non-business classes.

Thomas Hart Benton had long awaited the opportunity to fight for this solution. In the eighteen-twenties, when he fumed about the paper system, Nathaniel Macon would remark that it was useless to attempt reform unless the administration was with you. Now, at last, the administration seemed to be with him. Jackson's first message had expressed grave doubts about the constitutionality and expediency of the Bank. In 1830 the President continued to make ominous allusions to the subject of recharter. But the administration position was still not clear. Jackson's views were widely regarded as the expressions of private prejudice, not of party policy. Few people interpreted the Maysville veto as opening a campaign which might end by involving the Bank. Even now, the Bank was confidently conducting back-stairs negotiations with Secretary McLane to work out a formula for recharter, and it had inspired an effective

press campaign to counteract Jackson's pronouncements. Benton, watching impatiently, concluded that someone (who else but Benton?) would have to set forth the hard-money case.

He tried several times to get the floor in the Senate, but the friends of the Bank succeeded always in silencing him by parliamentary technicalities. Finally, on February 2, 1831, he outmaneuvered the opposition and launched his comprehensive indictment: —

First: Mr. President, I object to the renewal of the charter . . . because I look upon the bank as an institution too great and powerful to be tolerated in a Government of free and equal laws. . . . Secondly, I object . . . because its tendencies are dangerous and pernicious to the Government and the people. . . . It tends to aggravate the inequality of fortunes; to make the rich richer, and the poor poorer; to multiply nabobs and paupers. . . . Thirdly, I object . . . on account of the exclusive privileges, and anti-republican monopoly, which it gives to the stockholders.

And his own policy? "Gold and silver is the best currency for a republic," he thundered; "it suits the men of middle property and the working people best; and if I was going to establish a working man's party, it should be on the basis of hard money; a hard money party against a paper party." The words reverberated through the hall — "a hard money party against a paper party" — as Mr. Webster of Massachusetts hastily rose to call for a vote which defeated Benton's resolution against recharter.

But the words also reverberated through the country. The *Globe* speedily reprinted the speech, the party press took it up, and pamphlets carried it through the land, to be read excitedly by oil lamp and candlelight, talked over heatedly in taverns and around fireplaces, on steamboats and stagecoaches, along the crooked ways of Boston and the busy streets of New York and on isolated farms in New Hampshire, Missouri, Iowa, Michigan, Arkansas. Nathaniel Macon read it with deep pleasure in North Carolina. "You deserve the thanks of every man, who lives by the sweat of his face," he told Benton, adding with sturdy candor, ". . . I observe some bad grammar, — you must pardon my freedom."

Nicholas Biddle, in his fine offices on Chestnut Street, was disturbed by much more than Benton's grammar. This able, suave and cosmopolitan Philadelphian was only thirty-seven when he became president of the bank in 1823. He had

been known mainly as a literary man — an early training which instilled a weakness for writing public letters that would often prove embarrassing. One English traveler pronounced him "the most perfect specimen of an American gentleman that I had yet seen" and commended his "exemption from national characteristics."

As head of the Bank, he inclined to pursue an active policy; but up to 1830 all his ventures had succeeded, he had taken no unnecessary risks (except perhaps for the "branch draft" device), and his judgment was universally respected. Yet, for all his ability, he suffered from a fatal self-confidence, a disposition to under-rate his opponents and a lack of political imagination. He sought now to make a deal with the administration, while working on public opinion by newspaper articles, loans to editors and personal contacts. But his ultimate reliance was on two of the nation's giants, Henry Clay and Daniel Webster.

Henry Clay was the most beloved politician of the day. He was tall and a little stooped, with a sandy complexion, gray, twinkling eyes, and a sardonic and somewhat sensual mouth, cut straight across the face. In conversation he was swift and sparkling, full of anecdote and swearing freely. Reclining lazily on a sofa, surrounded by friends, snuffbox in hand, he would talk on for hours with a long, drawling intonation and significant taps on the snuffbox as he cracked his jokes. John Quincy Adams called him only half-educated, but added, "His school has been the world, and in that he is a proficient. His morals, public and private, are loose, but he has all the virtues indispensable to a popular man."

Brilliant, reckless, fascinating, indolent, Clay was irresistibly attractive. Exhilarated by his sense of personal power, he loved to dominate his human environment everywhere, in Congress and at party councils, at dinner and in conversation; but he was not meanly ambitious. If he possessed few settled principles and small analytical curiosity, he had broad and exciting visions, which took the place of ideas.

It was these rapt visions which made him so thrilling an orator. His rich and musical voice could make drama out of a motion for adjournment, and Clay took care that it ordinarily had much more to occupy itself with. His brilliance of gesture — the sharp nods of the head, the stamp of the foot, the pointed finger, the open palm, the tight-clenched fist — made the emotion visible as well as audible. He carried all,

not by logic, not by knowledge, but by storm, by charm and courage and fire. His rhetoric was often tasteless and inflated, his matter often inconsequential. "The time is fast approaching," someone remarked in 1843, "when the wonder will be as great, how his speeches could have been so thrilling, as it now is, how Mr. Burke's could have been so dull." Yet he transfixed the American imagination as few public figures ever have. The country may not have trusted him, but it loved him.

Daniel Webster lacked precisely that talent for stirring the popular imagination. He was an awe-inspiring figure, solid as granite, with strong shoulders and an iron frame. His dark, craggy head was unforgettable; strangers always recognized the jet-black hair, the jutting brow, the large smoldering eyes, and the "mastiff-mouth," as Carlyle saw it, "accurately closed." Yet, he inclined to be taciturn in public except when he worked up, with the aid of brandy, a heavy geniality for social purposes. He loved his comfort too much: liquor and rest, duck-shooting at Marshfield and adulation in Boston. His intellectual ability was great, but he used it only under the spur of crisis. In his great speeches inspiration would take charge of his deep booming voice, and he would shake the world. Then he was, as Emerson remembered him, "the great cannon loaded to the lips." But when inspiration lagged he became simply pompous.

The nation never gave its heart to Webster. The merchants of Boston did, along with a share of their purses, and also the speculators of Wall Street and rich men everywhere. But the plain man did not much respond to him, except for a few Yankee farmers in New Hampshire, who liked to hobnob with statesmen. "He gives the idea of great power," said one English observer, "but does not inspire 'abandon.'" The people, who trusted Jackson and loved Clay, could neither trust nor love Webster. He never won the people simply because he never gave himself to them. He had, as Francis Lieber said, "no instinct for the massive movements."

Clay fought for Biddle and his Bank because it fitted in with his superb vision of America, but Webster fought for it in great part because it was a dependable source of private revenue. "I believe my retainer has not been renewed or *refreshed* as usual," he wrote at one point when the Bank had its back to the wall. "If it be wished that my relation to the Bank should be continued, it may be well to send me the usual retainers." How could Daniel Webster expect

the American people to follow him through hell and high water when he would not lead unless someone made up a purse for him?

In the House, Biddle could count on aid almost as formidable. John Quincy Adams, the ex-President, had come out of retirement to defend the American System in this moment of its peril. Adams, as Emerson noted, was no gentleman of the old school, "but a bruiser . . . an old roué who cannot live on slops but must have sulphuric acid in his tea!" He loved the rough-and-tumble of debate and neither asked quarter nor gave any. Sometimes he would lash himself into a rage, his body swaying with anger, his voice breaking, and the top of his head, usually white as alabaster, flushing a passionate red. Old age made him majestic and terrifying, with that bald and noble head, the cracked voice, the heavy figure clad in a faded frock coat. "Alone, unspoken to, unconsulted, never consulting with others, he sits apart, wrapped in his reveries," reported a Washington correspondent in 1837, ". . . looked enfeebled, but yet he is never tired; worn out, but ever ready for combat; melancholy, but let a witty thing fall from any members, and that old man's face is wreathed in smiles."

Adams's protégé, Edward Everett, the great rhetorician, could also be relied on to embellish Biddle's case with splendid exordiums and perorations; and George McDuffie, an experienced politician from South Carolina, was entrusted with the actual charge of the bill in the House. To strengthen the Bank forces, Biddle induced Horace Binney, the noted Philadelphia lawyer, to run for Congress. Binney had served as Bank lobbyist in Washington in the spring of 1832, and the next year took his seat as legislator.

In Clay, Webster, Adams, Everett, McDuffie and Binney, Biddle had a team whose personal following, abilities and oratory promised to overwhelm the best efforts of the administration. As the skirmishes began, he might be pardoned if he failed to regard Jackson, Benton and the Kitchen Cabinet as constituting a serious threat.

In the spring of 1830 a House committee, directed by George McDuffie, had brought in a report clearing the Bank of the charges made by Jackson in his first message to Congress. Jackson returned to the subject in more detail in his second message, and Benton's speech in 1831 thrust the question vigorously to the fore.

Biddle would have much preferred to keep the Bank out of politics altogether. His one interest was in renewing the charter. This he

would do with Jackson's help, if possible; with Clay's, if necessary. Thus, during 1830 and 1831 he carefully explored the chances of winning over the President. The active co-operation of McLane and Livingston and the evident division in Jackson's party raised Biddle's hopes. The President, in the meantime, while saying quietly that his views had not changed, allowed McLane to recommend recharter in his Treasury report and barely mentioned the Bank question in his message of 1831.

But for all his amiability Jackson remained unyielding, while the Van Buren group seemed irrevocably hostile. Henry Clay, fearful lest so good an issue slip through his fingers, kept pressing Biddle to let him make recharter a party question. Biddle hesitated, considered, stalled, watched the National Republican convention nominate Clay, with John Sergeant, a lawyer for the Bank, as running mate, read the party address denouncing Jackson's views on the Bank — and on January 9, 1832, petitions for recharter were presented in each House of Congress.

Benton, certain that the Bank could carry Congress, realized that the administration's only hope lay in postponement. Accordingly he had a good many obstructionist amendments prepared for the Senate, and in the House he set in motion plans for an investigating committee. Late in February, A. S. Clayton of Georgia moved the appointment of such a committee, defending the proposal from unexpectedly hot attacks by reading from hasty notes provided by Benton, twisting the paper around his finger so that no one would recognize the handwriting.

The Bank forces could hardly refuse this request without raising strange suspicions. Yet, they first resisted it, then tried to keep it in their own hands, then tried to restrict its scope — overruling McDuffie who understood perfectly the futility of these tactics — with the result that by the time the committee was appointed the Bank had lost considerable prestige through the country. McDuffie, John Quincy Adams and J. G. Watmough, Biddle's vestpocket representative, served on the committee as friends of the Bank, with Cambreleng, Clayton, Richard M. Johnson and Francis Thomas of Maryland as opponents. After six weeks in Philadelphia, examining records and questioning witnesses, it issued three reports: a majority report against the Bank, and two minority dissents, one by Adams.

In May the fight began in earnest. Biddle had already sent an advance guard of crack lobbyists,

but, with the crucial struggle about to start, he took personal command. By now he was growing drunk with power. When Nathan Appleton, Massachusetts mill owner and member of the House, proposed the charter be modified, Biddle scorned the suggestion, and Clay interceded with Appleton, begging him to vote for the measure as it stood. "Should Jackson veto it," exclaimed Clay with an oath, "I shall veto him!"

On June 11 the bill passed the Senate, 28-20, and on July 3 it passed the House, 107-85. When Biddle made a smiling appearance on the floor after the passage, members crowded around to shake his hand. A riotous party in his lodgings celebrated the victory late into the night.

2. JACKSON'S VETO OF THE BANK BILL

Despite the comfortable margins by which the re-charter bill passed the Senate and House, President Jackson had concluded that the Bank was monopolistic, unconstitutional, and opposed to the best interests of most citizens. Consequently, he faced the issue squarely and vetoed the Bank bill on July 10, 1832, arguing at great length his reasons for such action.⁷

TO THE SENATE:

The bill "to modify and continue" the act entitled "An act to incorporate the subscribers to the Bank of the United States" was presented to me on the 4th July instant. Having considered it with that solemn regard to the principles of the Constitution which the day was calculated to inspire, and come to the conclusion that it ought not to become a law, I herewith return it to the Senate, in which it originated, with my objections.

A bank of the United States is in many respects convenient for the Government and useful to the people. Entertaining this opinion, and deeply impressed with the belief that some of the powers and privileges possessed by the existing bank are unauthorized by the Constitution, subversive of the rights of the States, and dangerous to the liberties of the people, I felt it my duty at an early period of my Administration to call attention of Congress to the practicability of organizing an institution combining all its advantages and obviating these objections. I sincerely regret that in the act before me I can perceive none of those modifications of the bank

⁷ James D Richardson, ed., *Messages and Papers of the Presidents* (Washington, 1896), II, pp. 576-591.

charter which are necessary, in my opinion, to make it compatible with justice, with sound policy, or with the Constitution of our country.

The present corporate body . . . enjoys an exclusive privilege of banking under the authority of the General Government, a monopoly of its favor and support, and, as a necessary consequence, almost a monopoly of the foreign and domestic exchange. The powers, privileges, and favors bestowed upon it in the original charter, by increasing the value of the stock far above its par value, operated as a gratuity of many millions to the stockholders. . . .

The act before me proposes another gratuity to the holders of the same stock, and in many cases to the same men, of at least seven millions more. This donation finds no apology in any uncertainty as to the effect of the act. On all hands it is conceded that its passage will increase at least 20 or 30 per cent more the market price of the stock, subject to the payment of the annuity of \$200,000 per year secured by the act, thus adding in a moment one-fourth to its par value. It is not our own citizens only who are to receive the bounty of our Government. More than eight millions of the stock of this bank are held by foreigners. By this act the American Republic proposes virtually to make them a present of some millions of dollars. . . .

Every monopoly and all exclusive privileges are granted at the expense of the public, which ought to receive a fair equivalent. The many millions which this act proposes to bestow on the stockholders of the existing bank must come directly or indirectly out of the earnings of the American people. It is due to them, therefore, if their Government sell monopolies and exclusive privileges, that they should at least exact for them as much as they are worth in open market. The value of the monopoly in this case may be correctly ascertained. The twenty-eight millions of stock would probably be at an advance of 50 per cent, and command in market at least \$42,000,000, subject to the payment of the present bonus. The present value of the monopoly, therefore, is \$17,000,000, and this the act proposes to sell for three millions, payable in fifteen annual installments of \$200,000 each.

It is not conceivable how the present stockholders can have any claim to the special favor of the Government. The present corporation has enjoyed its monopoly during the period stipulated in the original contract. If we must have such a corporation, why should not the Government sell out the whole stock and thus

secure to the people the full market value of the privileges granted? . . .

But this act does not permit competition in the purchase of this monopoly. It seems to be predicated on the erroneous idea that the present stockholders have a prescriptive right not only to the favor but to the bounty of Government. It appears that more than a fourth part of the stock is held by foreigners and the residue is held by a few hundred of our own citizens, chiefly to the richest class. For their benefit does this act exclude the whole American people from competition in the purchase of this monopoly and dispose of it for many millions less than it is worth. This seems the less excusable because some of our citizens not now stockholders petitioned that the door of competition might be opened, and offered to take a charter on terms much more favorable to the Government and country.

But this proposition, although made by men whose aggregate wealth is believed to be equal to all the private stock in the existing bank, has been set aside, and the bounty of our Government is proposed to be again bestowed on the few who have been fortunate enough to secure the stock and at this moment wield the power of the existing institution. I can not perceive the justice or policy of this course. . . .

It has been urged as an argument in favor of rechartering the present bank that the calling in its loans will produce great embarrassment and distress. The time allowed to close its concerns is ample, and if it has been well managed its pressure will be light, and heavy only in case its management has been bad. If, therefore, it shall produce distress, the fault will be its own, and it would furnish a reason against renewing a power which has been so obviously abused. . . .

The modifications of the existing charter proposed by this act are not such, in my view, as to make it consistent with the rights of the States or the liberties of the people. The qualification of the right of the bank to hold real estate, the limitation of its power to establish branches, and the power reserved to Congress to forbid the circulation of small notes are restrictions comparatively of little value or importance. All the objectionable principles of the existing corporation, and most of its odious features, are retained without alleviation. . . .

In another of its bearings this provision is fraught with danger. Of the twenty-five directors of this bank five are chosen by the Gov-

ernment and twenty by the citizen stockholders. From all voice in these elections the foreign stockholders are excluded by the charter. In proportion, therefore, as the stock is transferred to foreign holders the extent of suffrage in the choice of directors is curtailed. . . . The entire control of the institution would necessarily fall into the hands of a few citizen stockholders, and the ease with which the object would be accomplished would be a temptation to designing men to secure that control in their own hands by monopolizing the remaining stock. There is danger that a president and directors would then be able to elect themselves from year to year, without responsibility or control manage the whole concerns of the bank during the existence of its charter. It is easy to conceive that great evils to our country and its institutions might flow from such a concentration of power in the hands of a few men irresponsible to the people.

Is there no danger to our liberty and independence in a bank that in its nature has so little to bind it to our country? The president of the bank has told us that most of the State banks exist by its forbearance. Should its influence become concentered, as it may under the operation of such an act as this, in the hands of a self-elected directory whose interests are identified with those of the foreign stockholders, will there not be cause to tremble for the purity of our elections in peace and for the independence of our country in war? Their power would be great whenever they might choose to exert it; but if this monopoly were regularly renewed every fifteen or twenty years on terms proposed by themselves, they might seldom in peace put forth their strength to influence elections or control the affairs of the nation. . . .

Should the stock of the bank principally pass into the hands of the subjects of a foreign country, and we should unfortunately become involved in a war with that country, what would be our condition? Of the course which would be pursued by a bank almost wholly owned by the subjects of a foreign power, and managed by those whose interests, if not affections, would run in the same direction there can be no doubt. All its operations within would be in aid of the hostile fleets and armies without. Controlling our currency, receiving our public moneys, and holding thousands of our citizens in dependence, it would be more formidable and dangerous than the naval and military power of the enemy.

If we must have a bank with private stock-

holders, every consideration of sound policy and every impulse of American feeling admonishes that it should be *purely American*. Its stockholders should be composed exclusively of our own citizens, who at least ought to be friendly to our Government and willing to support it in times of difficulty and danger. . . .

It is maintained by the advocates of the bank that its constitutionality in all its features ought to be considered as settled by precedent and by the decision of the Supreme Court. To this conclusion I can not assent. Mere precedent is a dangerous source of authority, and should not be regarded as deciding questions of constitutional power except where the acquiescence of the people and the States can be considered as well settled. So far from this being the case on this subject, an argument against the bank might be based on precedent. . . .

If the opinion of the Supreme Court covered the whole ground of this act, it ought not to control the coordinate authorities of this Government. The Congress, the Executive, and the Court must each for itself be guided by its own opinion of the Constitution. . . . The authority of the Supreme Court must not . . . be permitted to control the Congress or the Executive when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve. . . .

Without commenting on the general principle affirmed by the Supreme Court, let us examine the details of this act in accordance with the rule of legislative action which they have laid down. It will be found that many of the powers and privileges conferred on it can not be supposed necessary to attain the end in view, and consequently not justified by the Constitution.

The original act of incorporation . . . enacts "that no other bank shall be established by any future law of the United States during the continuance of the corporation hereby created, for which the faith of the United States is hereby pledged: *Provided*, Congress may renew existing charters for banks within the District of Columbia not increasing the capital thereof, and may also establish any other bank or banks in said District with capitals not exceeding in the whole \$6,000,000 if they shall deem it expedient." . . .

If Congress possessed the power to establish one bank, they had power to establish more than one if in their opinion two or more banks had been "necessary" to facilitate the execution of the powers delegated to them in the Constitu-

tion. If they possessed the power to establish a second bank, it was a power derived from the Constitution to be exercised from time to time, and at any time when the interest of the country or the emergencies of the Government might make it expedient. It was possessed by one Congress as well as another, and by all Congresses alike, and alike at every session. But the Congress of 1816 have taken it away from their successors for twenty years, and the Congress of 1832 proposes to abolish it for fifteen years more. It can not be "*necessary*" or "*proper*" for Congress to barter away or divest themselves of any of the powers vested in them by the Constitution to be exercised for the public good. It is not "*necessary*" to the efficiency of the bank, nor is it "*proper*" in relation to themselves and their successors. They may *properly* use the discretion vested in them, but they may not limit the discretion of their successors. This restriction on themselves and grant of a monopoly to the bank is therefore unconstitutional. . . .

Suspicious are entertained and charges are made of gross abuse and violation of its charter. An investigation unwillingly conceded and so restricted in time as necessarily to make it incomplete and unsatisfactory discloses enough to excite suspicion and alarm. . . .

It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes. Distinctions in society will always exist under every just government. Equality of talents, of education, or of wealth can not be produced by human institutions. In the full enjoyment of the gifts of Heaven and the fruits of superior industry, economy, and virtue, every man is equally entitled to protection by law; but when the laws undertake to add to these natural and just advantages artificial distinctions, to grant titles, gratuities, and exclusive privileges, to make the rich richer and the potent more powerful, the humble members of society — the farmers, mechanics, and laborers — who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their government. There are no necessary evils in government. Its evils exist only in its abuses. If it would confine itself to equal protection, and, as Heaven does its rains, shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing. In the act before me there seems to be a wide and unnecessary departure from these just principles. . . .

3. THE BANK ISSUE AND THE PRESIDENTIAL ELECTION OF 1832

Jackson's veto of the Bank bill placed this question in the center of the presidential election of 1832. The democratic spirit and strength of Jackson's administrations are nowhere better illustrated than in this campaign. The masses rallied to Jackson's support, and Henry Clay, a friend of the Bank, went down to bitter defeat. Claude G. Bowers, an ardent partisan of the Jackson cause, has given a lively account of the campaign and the political techniques in his Party Battles of the Jackson Period.⁸

THE CAMPAIGN OF 1832 marked the beginning of many things that have come to be commonplace in American politics. For the first time the politicians were under the compulsion of cultivating, and conciliating, not factions and groups, but the masses of the people. The day of Democracy had dawned, with all that means of good and evil. And in this struggle for the suffrage of the masses, Clay had unwittingly intrigued the Jacksonians into the advantage. Accustomed for years to relying solely on the wealthy and the influential, the great Whig leaders signally failed to appreciate that the very elements they had rallied to their support would tend to alienate the mechanics of the cities, the farmers of the plains, the pioneers struggling with poverty on the fringe of the forest. Thurlow Weed, who was one of the few practical Whig politicians, saw it, but he was then comparatively obscure. The clever politicians of the Kitchen Cabinet instantly sensed the opportunity and grasped it. A great moneyed institution, never popular with the masses, was seeking the humiliation of the most popular of Presidents. The most fortunate of that day were responding to the call of the Bank. The first battle at the polls between the "souless corporation" and the "sons of toil" was on. For the first time in a presidential election the demagogue appeared with his appeals to class prejudice and class hate, and all the demagogues were not on the part of the Jacksonians. If these sought to arouse the masses against the prosperous, the prosperous, with gibes about the "mob," were quite as busy in prejudicing the classes against the masses.

And in this campaign the press played a more conspicuous and important part than ever before. The Jacksonians, who had tested the

political possibilities of the press four years before, had perfected an organization throughout the country dependent on the editorial lead of the "Globe." If the political leaders of the Whigs were even now slow to grasp the potentiality of publicity, Nicholas Biddle of the Bank was more alert, and, through his agency, the powerful "New York Courier and Enquirer," edited by James Watson Webb, deserted the Democracy to espouse the cause of Clay and "the monster." That money played a part in the conversion was soon established in a congressional investigation; and when the "National Intelligencer," the Whig organ, joyously hailed the convert, Blair was able sarcastically to comment on its being "charmed with his [Webb's] honesty and independence in complying with his bargain with the Bank — and the bold, frank and honorable way in which he unsays all that he has said in favor of the President for the price paid him by Mr. Biddle." Thus the editors in 1832 fought with a ferocity never before approached.

From the beginning Amos Kendall realized that the appeal would have to be made to the masses. He therefore conceived the idea of inaugurating the campaign with a more solemn and dignified appeal to the more intellectual element. The result was a carefully prepared campaign document reviewing the work of the first three years of Jackson's Administration. With a master hand he marshaled the triumphs of the Administration, and marched them — an imposing procession — before the reader. He anticipated and met all attacks. If parasites on the public service had been displaced by friends of Jackson, the new blood had injected new energy into the public offices. Business, long in arrears, had been brought up. Public accounts were more promptly rendered and settled. Scams had been detected and scourged from office, and peculations to the amount of \$280,000 had been uncovered. Economy and increased efficiency had resulted in the saving of hundreds of thousands. . . .

This campaign document, the first of its kind, was sent broadcast over the country to awaken the indignation of the faithful and to revive and intensify the cry, "Hurrah for Jackson." And it had the effect intended. The Jacksonians became all the more militant, ready to pounce upon and rend their enemies. Even the courageous Tyler, unfriendly to Jackson, cautioned his daughter in a letter home — "Speak of me always as a Jackson man whenever you are questioned." With this document in the hands of the intelle-

⁸ Claude G. Bowers, *Party Battles of the Jackson Period* (Boston: Houghton Mifflin Co. 1922), pp. 227 ff. Used by permission of the publisher.

tual, the Kitchen Cabinet turned with their appeal to the masses on the Bank issue. . . .

There was but one issue — and that the Bank. Clay had made it the issue with the officers of the institution and their allied business interests; the clever leaders of the Jackson forces made it an issue with the masses of the people, who had always looked with suspicion and dislike upon the powerful financial institution. And then, perhaps, the "Emperor Nicholas" bitterly regretted having yielded to the blandishments of Clay. If he had not considered the cost in money to the institution when he yielded, Clay understood it as well as Webster. They knew that a fight against the "weak old man," as they foolishly called Jackson, would be "no holiday affair." Satisfied of the support of the business element, they had calculated the cost of reaching the people generally — and they had the work of Biddle cut out for him. And almost immediately, Biddle was as deeply involved as Clay himself.

The campaign plans of the two parties differed, since their special appeals were to different elements. The Clay men relied on the distribution, with Bank money, of the printed speeches of Clay, Webster, and Calhoun, of tracts and pamphlets. These, falling into the hands of the masses, were thrown aside. They were sympathetically perused by the bankers, merchants, manufacturers, preachers, professors, and lawyers who were in no need of conversion. The Bank made desperate efforts to win to its support the press of the larger cities and towns. It was notoriously willing to prove its appreciation of such support with the coin of the realm. That Webb's paper had been won over with Bank money was common knowledge after the congressional investigation, and Amos Kendall, in the "Globe," charged that the "Evening Post" had been "approached," and that the "Standard" of Philadelphia had been offered five hundred dollars and a new set of type, and the inducement had been increased by five hundred dollars two days later.

Thoroughly frightened, Biddle spent lavishly for the printing and distribution of speeches and articles. Mailing the president of the Kentucky Bank Webster's speech on the Veto, and an article reviewing the Message, he instructed that these, "as well as Mr. Clay's & Mr. Ewing's speeches on the same subject," be "printed and dispersed." More than \$80,000 — an enormous sum for those days — was spent by the Bank under the head of "stationery and printing" during the period of the campaign. Thousands

of friendly newspapers were bought in bulk and scattered broadcast, and Blair announced the discovery that "about four bushels of the 'Extra Telegraph' is sent to New York to a single individual for distribution." An analysis of Benton's speech and a reply was printed in pamphlet form, and thousands flooded the country and burdened the mails.

But more sinister still was the appearance, for the first time in American politics, of the weapons of intimidation and coercion. In New Orleans a bank commenced discounting four months' paper at eight per centum — "because of the veto." An advertisement appeared in a Cincinnati paper offering \$2.50 per hundred for pork if Clay should be elected, \$1.50 if Jackson won — a bribe of one dollar a head on each hundred pounds of pork. From Brownsville, Pennsylvania, went forth the disturbing report that "a large manufacturer has discharged all his hands, and others have given notice to do so," and that "not a single steam boat will be built this season at Wheeling, Pittsburg or Louisville." From Baltimore: "A great many mechanics are thrown out of employment by the stoppage of building. The prospect ahead is that we shall have a very distressing winter." And so the work went on, with the Bank and its political champions holding the sword of Damocles over the heads of the masses who dared to vote for Jackson. Jackson was held before the conservative and timid as rash, dangerous, destructive. Webster's State convention speech at Worcester, expanding on the unfortunate sentence from the Veto Message as to the finality of Supreme Court decisions, was given general circulation. Even the brilliant Ritchie, of the "Richmond Enquirer," lived in constant terror of some rash act of Jackson's that would wreck the country. . . .

But all the while the consummate politicians of the Jackson party were reaching and arousing the masses. Long before the opening of the campaign, Amos Kendall, Lewis, Hill, and Blair were cunningly appealing to the interests, the prejudices, and the hero worship of the voters of the cornfield and the village. These fore-runners of the modern politician were keenly appreciative of the fact that between 1824 and 1832 a great body of voters, previously proscribed because of their poverty and lack of property, had been newly enfranchised. With the Whigs these were non-existent. The journalistic training of Kendall, Hill, and Blair pointed to the press as the surest way to reach the masses with their propaganda. The old-fashioned politician

still affected a contempt for the press, and particularly for the little struggling papers of the country. The genius of Kendall immediately seized upon these, and, long before the campaign began, the sallow, prematurely gray young man of mystery, shut up in his petty office in the Treasury, was busy night and day, and especially at night, preparing articles and editorials laudatory of the Jackson policies, denunciatory of the Opposition, and these, sent to editors all over the country, were printed as their own. Thus the followers of Jackson in every nook and corner of the country were constantly supplied with ammunition in the shape of arguments they could comprehend and assimilate.

The center and soul of the Democratic organization was the office of the "Globe." Among the papers of national reputation, but two others were supporting Jackson, the "New Hampshire Patriot" of "Ike" Hill, and Van Buren's organ, the "Albany Argus." But the "Globe" was equal to the demand upon it. Doubling the number of issues, the ferociously partisan Blair sat in the office writing feverishly, with Kendall gliding in and out with copy. Both possessed a genius for controversy. Both had mastered a style combining literary qualities, attractive to the educated, with the "pep" and "punch" that impressed, interested, delighted, the multitude. Blair dipped his pen in vitriol. In satire and sarcasm he had few equals. He was no parlor warrior, and he struck resounding blows like a boiler-maker. And he wrote in a flowing style that, at times, approached real eloquence. Having the average man in mind, his editorials, filling the greater part of the paper, were *concise* and brief. When language seemed weak, he resorted to italics. The longer and more sustained argumentative articles were written by the more brilliant Kendall. Through July, August, September, and October he wrote a series of articles on "The Bank and the Veto," beginning in an argumentative vein, and gradually growing personal until he was devoting one issue to the financial connections between the Bank and Duff Green, another to similar connections of Webb, of the "Courier and Enquirer," and another to Gales, of the "Intelligencer."

Infuriated by the gibes, taunts, and attacks, the Whigs charged that the "Globe" was being distributed gratuitously — the *business manager* replied with an affidavit as to the legitimacy of its circulation. News of the deepest import was

crowded out by the exigencies of the campaign, and with the cholera scourge taking a heavy toll of lives in Washington; the only mention of it in the "Globe" was in the official reports of the Board of Health. But there was room for columns of quotations from Democratic papers on the Veto, all striking the exultant key — "The Monster is Destroyed." . . .

As the campaign approached the end, Blair stressed the theory that the real fight was between Jackson and the Bank, with Clay a mere pawn in the game. "We see," he wrote, "the most profligate apostasies invited and applauded — the grossest misrepresentations circulated — the worst forgeries committed — open bribes practiced, and all for what? Not avowedly to elect Henry Clay or William Wirt, but any 'available candidate' — in other words, any candidate with whom, in the end, the Bank directors can make the best bargain." And a week later, under the caption, "The Gold," Blair announces that through private advices "we learn that certain heavy trunks, securely hooped with iron, have arrived at Lexington from the East." Such was the character of the publicity with which the Jacksonians appealed to the masses of the people.

But the practical minds of the leaders of the Kitchen Cabinet were not content with creating public opinion — they systematically organized and directed it. In every community, no matter how *obscure*, some Jackson leader, with a genius for organization work, was busy welding the Jackson forces into a solid mass. Here Major Lewis took charge. He anticipated the card index system of the modern politicians. There was scarcely a county in the country in which he did not know the precise man or men upon whom absolute reliance could be placed. And "Ike" Hill, now a United States Senator, made an extensive organizing tour through Ohio and Pennsylvania in early August.

In both publicity and organization, the greater part of the ability and all the genius was with Jackson.

The Jacksonians depended also to a greater extent than the Opposition on appeals to the people, face to face. A creature of another world, looking down from the skies upon the United States in the late summer and autumn of 1832, would have concluded that its people moved about in enormous processions on horseback, with waving flags, branches and banners. Great meetings were held in groves, addressed by fiery orators, furiously denouncing "The Monster"

and the "Corporation" and calling upon the people to "stand by the Hero." Men left their homes, bade farewell to their families as though enlisting for a war, and rode from one meeting to another for weeks at a time. Nor was this hysterical enthusiasm confined to the more primitive sections of the country. A French traveler sojourning in New York City was profoundly impressed by a Jackson parade there. "It was nearly a mile long," he wrote. "The Democrats marched in good order to the glare of torches; the banners were more numerous than I have ever seen in any religious festival; all were in transparency on account of the darkness. On some were inscribed the names of Democratic societies or sections; others bore imprecations against the Bank of the United States. Nick Biddle and Old Nick here figured largely. . . . From farther than the eye could reach came marching on the Democrats. The procession stopped before the houses of the Jackson men to fill the air with cheers, and halted at the door of the leaders of the opposition to give three, six or nine groans. These scenes belong to history and partake of the grand; they are the episodes of a wondrous epic which will bequeath a lasting memory to posterity."

And into these amazing demonstrations the campaign glee club, also new to American politics, entered, to play a conspicuous part, with pretty girls, and children gayly dressed, singing round the hickory poles that were raised wherever there were idolaters of Jackson. And so they sang:

"Here's a health to the heroes who fought
And conquered in Liberty's cause;
Here's health to Old Andy who could not be bought
To favor aristocrat laws.
Hurrah for the Roman-like Chief —
He never missed fire at all;

But ever when called to his country's relief
Had a ready picked flint and a ball.

"Hurrah for the Hickory tree
From the mountain tops down to the sea
It shall wave o'er the grave of the Tory and knave,
And shelter the honest and free."

Even where the Whigs were strongest, the militant Democrats poured forth in defiant demonstrations. When Jackson, returning to Washington from the Hermitage in the closing days of the campaign, approached Lexington, the home of his rival, a multitude streamed down the road five miles to meet him, with over a thousand on horseback and in carriages, and before he reached his lodging the throng extended back two miles along the road "with green hickory bushes waving like bright banners in a breeze." . . .

The result was a notable victory for Jackson and his policies—an unmistakable rebuke to Clay. In electoral votes Jackson received 219, Clay 49, and Wirt 7, and the popular vote gave Jackson 124,382 over the combined strength of Clay and Wirt, thus proving the absurdity of Thurlow Weed's theory that if Clay had acquiesced in the wishes of the Anti-Masons he could have been elected. The only State carried by Wirt was Vermont—as he had predicted. Clay carried Massachusetts, Rhode Island, Connecticut, Delaware, and Kentucky, and five out of the eight electoral votes of Maryland. All the other States went to Jackson but one—South Carolina, with childish petulance, threw its vote away at the behest of Calhoun.

Nothing could have been more ominous than this action. Going entirely outside the regularly nominated candidates, and acting in conformity with the views of the Nullifying party, which insisted on placing the State outside the Union, she gave her vote to Governor Floyd of Virginia. . . .

Chapter Eleven

Transportation, Industry, and Labor, 1800-1860



Pawtucket Mills

ONE OF THE MOST IMPORTANT DEVELOPMENTS in the history of the nineteenth century was the establishment of the United States as the world's leading industrial nation. The so-called Industrial Revolution in this country is generally associated with the period following the Civil War, but great strides in manufacturing were made between 1800 and 1860. The Civil War intensified and accelerated a trend already well established.

The Embargo of Jefferson's administration and the War of 1812 stimulated manufacturing in the United States because the usual source of finished products, England, was largely closed to American buyers. Enterprising business men found that many of the goods normally purchased abroad had to be manufactured at home. But even before Jefferson's Embargo of 1808 an industrial consciousness had been growing in the United States.

Other factors helped to establish manufacturing on a solid basis before the Civil War. Such raw materials as cotton, iron ore, and timber were abundant, and rapid flowing rivers along

the eastern seaboard furnished a supply of power. While there was a lack of capital and labor, men of commerce and trade found that during and after the War of 1812 it was profitable to invest their money in manufacturing. Profits from small concerns were reinvested, making additional capital. Labor for the cotton mills was recruited among the farming population, and most manufacturers eagerly installed labor-saving machinery, thereby reducing the need for so much hand-labor. Finally, manufacturing and industrial growth were stimulated by the development of transportation facilities in the form of turnpikes, canals, and railroads.

Thus the factory system developed rapidly after 1810. Hand production gradually gave way to factory production, and the corporation became more and more typical as a type of business organization. Under these circumstances, the growing laboring class found its bargaining power declining, and in the late 1820's workers made their first serious attempts to organize and to protect their interests by collective action.

I

Transportation, 1800-1860

THE GROWTH OF TRANSPORTATION contributed greatly to the development of industry in the United States. The improvement of roads and the building of canals and railroads facilitated the transfer of raw materials and finished goods. In the following selection Professor George R. Taylor has told of the interest in canal building in the West during the 1830's and how railroads finally came to replace canals as the principal type of internal transportation.¹

THE WESTERN CANALS

IN OHIO the desirability of a canal connecting Lake Erie and the Ohio River had long been recognized. Word of the success of the Erie Canal preceded the flood of immigrants who streamed into the Middle West over its waters, and by 1822 the Ohio legislature was seriously considering the construction of artificial waterways for that state. Early in 1825, eight months before the formal opening of the Erie Canal, the Ohio legislature authorized the canal-building program which was eventually to unite the waters of Lake Erie and the Ohio River by two great state-owned canals and lead to the construction of one of the greatest systems of internal waterways in the country.

First completed (1833) was the Ohio and Erie Canal. This 308-mile waterway was built from Cleveland in the north to Portsmouth on the Ohio River at a cost of nearly eight million dollars. The other trans-Ohio canal, the Miami and Erie, built in the western part of the state from Cincinnati to Toledo, was completed from Cincinnati to Dayton in 1832 and to Toledo on Lake Erie in 1845. Both canals were well planned and constructed and built on a scale sufficiently generous to permit the passage of canal boats carrying as much as eighty tons.

Like New York and Pennsylvania, the state of Ohio was not content with main line canals, but proceeded to build branches and extensions with a lavish hand. Some of these, like the Muskingum, which extended along that river from Dresden Junction on the Ohio and Erie

Canal to the Ohio River, proved to be well-considered improvements. Others, like the 25-mile Walhonding Canal, appear to have had no other justification than political logrolling. Even private companies sprang up in the thirties to make additions to the growing network of Ohio waterways. One of the most important of these, the Ohio and Pennsylvania, extended from the Ohio River near Pittsburgh across northeastern Ohio to make a junction with the Ohio and Erie Canal, thus forming a connection between the Ohio canals and the main line of the Pennsylvania state system.

As a whole, the Ohio canals did a tremendous business and were a great boon to those parts of the state through which they passed. No great volume of through traffic developed on the two lines across the state, but local traffic and shipments of goods locally produced and destined for out-of-state markets were heavy. Traffic reached its peak in about 1851. Thereafter, the Ohio waterways suffered a rapid decline. Floods were a constantly recurring problem: at best they merely disorganized and delayed the movement of traffic; at worst they caused tremendous damage to costly installations. No doubt ways would have been devised to overcome excessive damage from floods, but railroad competition presented an insuperable obstacle. In no state were railroads built during the fifties more rapidly than in Ohio, and by the middle of that decade the canals were obsolescent. Most of them were rapidly abandoned, but a few, notably the Miami, lingered on for some time as useful supplements to the railroad system.

In 1816 Indiana had incorporated the Ohio Canal Company to construct on the Indiana side of the river a short canal around the falls of

¹ From *The Transportation Revolution: 1815-1860*, by George Rogers Taylor, by permission of Rinehart & Company, Inc. Copyright, 1951, by George Rogers Taylor. Pp. 45-48, 74-75, 77-78, 81-86.

the Ohio at Louisville. Though this project was abandoned, a two and one-half mile canal was completed late in 1830 on the Kentucky side by a company chartered by the Kentucky legislature. Greatly facilitating river traffic, this canal, known as the Louisville and Portland, proved tremendously profitable.

No state became more disastrously involved in the general enthusiasm for canal building than Indiana. In 1827 the state legislature received a grant of land from the federal government to aid in building a canal to connect the Ohio River and Lake Erie by way of the Wabash and Maumee rivers. Construction on the canal, which was called the Wabash and Erie, was begun in 1832 and proceeded slowly and with chronic lack of funds. But in 1836 times were good, improved transportation was greatly needed, and enthusiasm for canals at fever pitch. The legislature in that year voted the Mammoth Internal Improvement Bill, which provided for an ambitious system of state canals as well as for turnpike and railroad building.

Work was begun simultaneously in many parts of the state with what proved afterward to be a maximum of incompetence, political logrolling, and large-scale speculation. By 1839 depression had descended on the country and the state of Indiana was virtually bankrupt. Her debt in 1841 was reported at over \$13,000,000, of which over \$9,000,000 was attributable to internal improvements. The elaborate canal system was now abandoned except for the White-water and the Wabash and Erie canals. The former was turned over to a private corporation which in 1846 completed this 76 mile waterway from the Ohio River near the Indiana Ohio border to Cambridge, Indiana, on the National Road. The latter, the Wabash and Erie Canal, was continued at great effort and expense. The state of Ohio opened the necessary connecting link in that state in 1843. Work continued slowly in Indiana; by 1849 traffic was opened from Toledo as far south as Terre Haute, and by 1853 the canal was declared open to Evansville on the Ohio River. The completed canal was more than 450 miles in length, the longest in the United States. But on the lower section, traffic was light, flood damage great, and funds were lacking for repairs. All operations ceased on this section about 1860. Above Terre Haute on this section had developed when the canal was first opened, with tolls reaching their peak in 1852. Though kept open until 1872 from Terre Haute to Toledo, this remaining

section of the Indiana canal system gradually died from neglect and railroad competition. The Wabash and Erie Canal helped to open up and develop northern Indiana; nevertheless, as a financial venture, at least, it must be regarded as one of the greatest canal failures. Total expenditures on this canal exceeded \$8,000,000, total revenues were about \$5,500,000, of which more than half came from the sale of lands received from the federal government.

The Illinois and Michigan Canal, connecting Lake Michigan at Chicago with the Illinois River and thus with the Mississippi River, was begun by Illinois in 1836, and after great expense, which contributed to the ruin of the state bank in 1842 and for a time seriously undermined the credit of the state, was completed in 1848. Traffic grew rapidly during the fifties, with the canal contributing materially to the phenomenal rise of Chicago. Repeatedly enlarged and extended, this canal, unlike so many of the others, has continued in active use.

* * *

ACCEPTANCE OF THE RAILROADS

IMPROVED roads, canals, and steamboats made their contribution, but they were not entirely effective in loosening the bonds which fettered the agrarian, merchant-capitalist economy of the early nineteenth century. The United States encompassed vast distances, difficult mountain barriers, virgin forests, and great unsettled plains. Only a method of transportation by land—cheap, fast, and flexible—could meet the pressing needs of agriculture and industry. The steam railroad, surely one of the most revolutionary inventions of all time, provided the solution.

Although developed largely in England, where its commercial feasibility was demonstrated by 1829, the railroad had its most dramatic growth in the United States. By 1840, all Europe had 1,818 miles of railroad; the United States, about 3,000. Why should the United States have so quickly established this railroad leadership? Though western Europe led in engineering and in the metal-working techniques and was best able to finance railroad building, the United States possessed strategic advantages. Not only did it have the urgent need for improved land transportation stressed above, but it was also relatively free from such Old World obstacles as restrictive political boundaries and customs barriers. The cheapness of land in this new country greatly facilitated railroad build-

ing, whereas high land values added tremendously to the cost of construction in western Europe. It has been estimated that up to 1868 English railroads paid out for land more than the total sum expended on all American railroads built up to that date. Finally, at least on a relative basis, American railroads were less hampered by entrenched monopolies, vested interests, and long-established customs and prejudices than were those abroad.

Of course, some opposition appeared, for no nation is too young to have vested interests, timid individuals, and conservative communities fearful of innovation. Tavern keepers, bridge and turnpike companies, wagoners, and stage-coach lines, though frequently slow to realize the threat of railroad competition, once aroused, often fought bitterly. The legislatures of at least three states sought by restrictive laws to protect their huge investment in canals. For a time, New York required railroads paralleling the Erie to pay tolls equal to those assessed on the canal and forbade the carrying of freight by such railroads except during the winter, when canal traffic was suspended. Similarly, both Pennsylvania and Ohio levied special taxes on certain traffic carried by railroads which competed directly with canals. Also a certain amount of inertia and prejudice had to be overcome: a Boston editor declared a railroad from Boston to Albany "impracticable" and "as useless as a railroad to the moon," and an Ohio school board held the steam railroad "a device of Satan to lead immortal souls down to Hell."

But it must be emphasized that these obstacles were exceptional. For the most part, Americans welcomed the railroad with noisy enthusiasm. People who had never seen a track, to say nothing of a steam locomotive, invested their savings and gave support to promoters who, even before many of the major technical problems of railroad building had been solved, planned ambitious lines crossing unsettled territory, spanning rivers, and tunneling mountains. The spirit was that of a young and pioneering people who were trying new things in an undeveloped country. . . .

The first locomotive to operate in America on a commercial line was tried out on the tramway of the Delaware and Hudson Canal Company. Imported from England, this locomotive, the famous Stourbridge Lion, ran well enough but could not be used because it proved too heavy for the track, which had been built for relatively light, horse-drawn cars.

But overshadowing these tramway developments were the plans going rapidly forward for building the first American railroads. Three important commercial cities, Baltimore, Charleston, and Boston, each struggling to enlarge its market to the West and each without important inland waterway connections, pioneered in railroad development. Baltimore's advantage in the western trade arising from the National Road was seriously endangered as New York gained from the Erie Canal, and Philadelphia threatened to secure a similar competitive advantage as soon as the great state works of Pennsylvania came into operation. The business interests of Baltimore met the challenge by building the first important railroad in America. Designed to extend westward to the Ohio, the Baltimore and Ohio Railroad was chartered in 1828 and in May, two years later, 13 miles of track were placed in operation.

Citizens of Charleston, South Carolina, sought to gain a larger share of the inland trade by building a railroad to Hamburg on the Savannah River. They hoped to secure the commerce from a rich cotton-growing region which would otherwise be channeled through Savannah at the mouth of the river. This railroad, the second in the country, was opened for regular passenger service over part of its route early in 1831 and was completed in 1833. At that time it extended 136 miles and was the longest railroad in the world under single management. Bostonians, alarmed by the growing strength of New York, began agitating for a railroad from Boston to Albany, even before the Erie Canal was completed, but progress was slow. After the Erie was opened, much time was spent in unsuccessful attempts to persuade the Massachusetts State Legislature to authorize a state railroad. Finally, in 1830-1831, three Boston companies were chartered to build railroads, one reaching north to Lowell, a second west to Worcester, and a third south to Providence. All were in operation by 1835. Many other short lines were completed in southern New England during the thirties, but through connections from Boston to the Hudson River were not effected until 1841.

Although Maryland and South Carolina were the real pioneers in railroad building, Pennsylvania soon became an outstanding leader. At first many short feeder lines were built leading from coal mines to nearby canals and rivers. Soon longer roads were built directly from large centers, especially Philadelphia, to, and in some cases through, the larger coal fields. Thus the

important coal railroad, the Philadelphia and Reading, was in full operation between these two cities by 1839. In addition, before the end of the thirties important links for through rail lines had been built in the Keystone State. Completed in 1834, the state-owned Philadelphia and Columbia connected Philadelphia with the great system of state canals. In the same year, the completion of the Philadelphia and Trenton to the north provided a connection with the Camden and Amboy in New Jersey and thus afforded a through route between Philadelphia and New York Harbor. To the south, a main line to Baltimore was opened in 1838 when the Philadelphia, Wilmington, and Baltimore was placed in operation.

RAPID SPREAD OF THE RAILWAY NET

DESPITE the generally depressed condition of business during the early forties, railroad construction continued at a rapid pace. Total mileage, which stood at 3,328 in 1840, reached 8,879 in another ten years. Nearly three fifths of this new mileage was added in New England and New York, where the railroad map rapidly assumed modern outlines. By the early fifties, New England, excluding Maine, was crisscrossed with railroads. No similar area was so well supplied with rail transportation, and for a brief season Boston enjoyed the distinction of being the greatest railroad center in the United States. Lines radiating from that city connected it with Portland, Maine, Montreal, Albany, and New York.

The period was also one of tremendous building activity in New York, which, with new construction of 956 miles, led all the states. By 1851 two lines spanned the state connecting New York City with Lake Erie. The series of short lines from Buffalo to Albany, which had been completed in 1842, was now extended from Albany to New York to form the ultimate New York Central route. In the same year the Erie was completed through the southern counties of the state to give a second railroad to the West. This, the longest road in the country under single ownership, accounted for about half the total increase in mileage for the state during the forties. Elsewhere progress was less rapid. Little building occurred in the South except in Georgia, where about 450 miles were added, so that by 1851 Savannah was connected with Chattanooga, Tennessee. Although the great period of railroad building in the West was still to come, a substantial beginning was made by the

completion of a line across Ohio from Cincinnati to Sandusky. Two lines were begun in southern Michigan which, when completed in the next decade, formed important links in direct rail routes between New York and Chicago.

New railroad mileage, especially in New England and New York, grew rapidly during the forties. But in the generally prosperous fifties, and especially to 1857, a tremendous further acceleration took place. Mileage soared from 8,879 in 1850 to 30,626 in 1860, to register an increase about four times that achieved during the previous ten-year period. The most striking advance now came in the West, where Ohio, Illinois, and Indiana experienced a railroad boom such that by 1860 Ohio and Illinois were the leading states in railroad mileage and Indiana was not far behind. In the South rapid main-line extensions were made, though the network of lines was less dense than that north of the Ohio River. In the Middle Atlantic states growth was more moderate, although Pennsylvania, which had lagged, now constructed nearly 1,700 miles. Finally, gains were least in New England, where the major lines had already been built.

The fifties were also notable as marking the beginning of the strong tendency toward the combination of short lines into larger systems, a movement which has long persisted. A few relatively long roads like the Erie, the Baltimore and Ohio, and the Illinois Central had been constructed by a single company. But for the most part, the railroads of the country were local affairs built as short lines under independent management. Thus seven different companies owned segments of the line from Albany to Buffalo. These were combined in 1853 to form the nucleus of what is now the New York Central. The Pennsylvania also became a unified system from Philadelphia to Pittsburgh. During the decade, twenty railroad combinations took place in Ohio through lease, sale, or consolidation.

Though many short lines were combined during the fifties, hardly more than a beginning was made. No New York to Chicago system under unified management existed before 1860. Not until 1868 did the Boston and Albany Railroad bring the route between those two cities into a single system. The four independent companies owning parts of the original shore line from Boston to New York were not merged under one management until 1893, when the New York, New Haven and Hartford finally acquired the Boston and Providence.

By 1860 the railroad net east of the Mississippi approximated its present pattern, although, of course, many details were still to be added, and blank spaces, especially in the extreme North and South remained to be filled in. A few lines were pushing westward beyond the Mississippi, and one, the Hannibal and St. Joseph, had already tapped the Missouri at the latter city. Chicago, with eleven major railroads, had assumed her place as the greatest railroad center in the world. All of the major market cities of the North had been tied together by rail lines. Four rail routes permitted through shipment across the Appalachian barrier to the Old Northwest, where connections were available leading to Chicago and St. Louis. Farther south both Charleston and Savannah were connected by way of Chattanooga with Memphis on the Mississippi. On the other hand, the usual railroad map of 1860 gives too strong an impression of a

really integrated railroad system. It must be remembered that there were still many independent lines (more than 300 in 1860), a variety of gauges hindered the exchange of rolling stock, and finally, many connecting links were still lacking. Only at Bowling Green, Kentucky, did northern railroads make actual physical connection with those of the South.

The suggestion of a transcontinental railroad had been made at least as early as 1820, and as railroad-building technique improved and the West Coast was added to the national territory, more and more people became convinced of the feasibility and desirability of such a project. By the last decade of this study the issue became an important one in Congress, where a southern route was favored by the South and a more northern one by the North. A deadlock ensued, not to be broken until after the southern states had seceded from the Union.

II

Industrial Development, 1800-1860

1. COTTON TEXTILE MANUFACTURING

Textile manufacturing was one of the most important American industries during the first half of the nineteenth century. Machinery driven by water power was being applied to the cotton industry by 1800 and technical advance was more rapid after that date. By 1815 water driven spindles were characteristic in the mills and power looms were coming into use. As the century advanced, cotton textile factories increased their output and added to the economic wealth of the nation. The invention of the cotton gin and the growth of cotton production made possible the raw materials for this industrial expansion. Victor S. Clark has described how the industry began in a small way and grew until it reached important proportions by 1860.²

A COMPLETE HISTORY of the cotton manufactures of the United States would embrace more detail than that of any other industry. Geographically these manufactures occupied four principal areas, of which three were broadly similar in the character of their establishments and the fourth was the scene of almost a distinct development. This fourth area was New England, which differed from other parts of the country in the size and organization of its cotton factories and in the products they chiefly manufactured. New England itself, . . . was divided into smaller manufacturing districts, each of which had an individual character. In the Middle States, the South, and the West, cotton factories shared in common many features of organization and methods of production, but there were some establishments in these regions—especially as the period before 1860 drew to a close—that either copied or developed independently policies and plants similar to those of the New England States' . . .

At the close of the Revolution little precise information existed in America regarding the

new textile machinery for some time successfully used in Great Britain. In 1786 and 1787 Massachusetts twice granted public aid to assist in procuring these inventions. A private society at Philadelphia, which previously had cylinder cards and jennies, made efforts in the same direction. The British Government took every precaution to prevent the new machinery, or a practical knowledge of it, from leaving that country, and British agents even shipped back to England such machines as they could acquire in the United States. Nevertheless our manufacturers, within two or three years from the time their interest was attracted seriously to this object, obtained all the essential textile improvements then known abroad.

Yet this was for them a period of experiment and of partial success obtained through multiplied failure. Before 1800 more than a score of small cotton manufactures were started in New England and the Central States, but by that time less than a third of them survived. These pioneer undertakings were of two kinds, jenny mills and Arkwright mills, which differed from each other in power, machinery, materials, and products. Jenny mills were run by hand or by horse power. . . . Such mills spun cotton only into welt, and used flax for warps. They wove relatively more of their yarn into cloth than Arkwright mills, and looms formed an important part of their equipment. The latter were employed mainly on corduroys and jeans, fabrics approaching duck or denim in coarseness of texture, which were used for laborers' clothing and served the same demand in the North as negro cloth in the South. The first of these jenny factories started at Philadelphia in 1787, as a revival of an earlier enterprise, and closed in 1790, when its building was destroyed by fire. A more extensive mill at Beverly also opened in 1787. There is record of others at Wrentham, Newport, Providence, Norwich, Bethlehem in Connecticut, New York, Brooklyn, and possibly at Portsmouth and Baltimore. None of them, except the factory at Beverly, had more than a transient history, though some of them were precursors of Arkwright mills. The latest of

² Victor S. Clark, *History of Manufactures in the United States, 1607-1860* (Washington: Carnegie Institution of Washington, 1916), pp. 533-533. Used by permission of the Carnegie Institution.

these establishments dates from 1794, so that seven years covers the brief period of their promotion. With one exception they ceased operations before 1800; that exception was the Beverly mill, which was aided with public funds, introduced mechanical improvements, including a "self-feeding jenny," possibly upon Crompton's principles, and after 1793 specialized in the manufacture of bed-ticking, of which it made 24,000 yards annually. . . . The Beverly factory, which remained the largest in the country even after some Arkwright mills had been established, continued in operation until 1807. . . .

Seventeen years before this date Samuel Slater, a young Englishman twenty-two years old, who had learned cotton-spinning at Belper, who had been attracted to America by advertisements offering a reward for improved cotton machinery, and who had spent a short time in the service of the New York Manufacturing Company, built at Pawtucket the first successful Arkwright mill in this country. His spindles, driven by water, began producing during the winter of 1790-91, and spun the first cotton warps made this side of the Atlantic. Two or three years later similar machinery was put in operation at Wrentham, New York City, and New Haven. This was followed by mills at Warwick, East Hartford, and Paterson, in 1794; at Suffield and Wilmington, in 1795; at Philadelphia, in 1796; . . . For various reasons the mills at New York, Paterson, Philadelphia, and Wilmington closed before the end of the century; so that in 1800 the factory at Beverly, and 7 Arkwright mills, 4 within a few miles of Providence and 3 in Connecticut, represented the organized cotton industry in the United States. They probably operated less than 2000 spindles, and annually spun between 50,000 and 100,000 pounds of imported cotton into yarn for general sale. The cotton mill now bore the same relation to the household loom that the water-driven wool-card was beginning to bear to the household spinning-wheel.

Modest as they were, these humble beginnings announced the definite acquisition of a new art. No more jenny mills were started in the industrial part of the country, though for more than a decade longer they multiplied as a temporary form of shop and plantation manufactures throughout the South and West.

Already New England gave evidence of being the probable future center of the cotton industry. It was the home of nearly all the operatives trained in this country, and attracted many Brit-

ish spinners who, hearing of Slater's success, sought to better their fortunes in America. Between 1800 and 1804 the number of mills in Rhode Island, Massachusetts, and Connecticut more than doubled. The latter year men who had learned the business under Slater founded, at New Ipswich, the first Arkwright mill in New Hampshire and at Greenwich, north of Troy, the first successful mill in New York. . . .

So vigorous was the hold taken by the industry during the early period that we can not ascribe its subsequent growth entirely to the interruption of commerce by the embargo and the hostilities with England, but those events and accompanying conditions in Europe greatly assisted that expansion. The Napoleonic wars hastened the transition from flax to cotton throughout the civilized world, by checking the manufacture and sale of linen in large producing centers just when the rival fiber could occupy the market. Especially did this affect the two Americas and the Mediterranean countries. In the United States motives for extending the use of cotton, after the cotton gin and improved machinery cheapened its manipulation, were stronger than elsewhere; and it was employed for cordage, sailcloth, carpets, blankets, and many other purposes for which flax or wool were still used abroad.

The effect of the embargo was twofold: it curtailed foreign supplies of textiles and it caused capital to be transferred from commerce to manufacturing. This was not a net gain, for the business disturbance due to so abrupt and artificial a readjustment brought loss as well as profit even to the industries that were its ultimate beneficiaries. However, remarkable multiplication of mills ensued. In 1809, if we may trust the testimony of a prominent contemporary engaged in this industry, more than 50 mills were under construction in New England. Most of these were grouped in a compact area extending from Providence northwest along the valley of the Blackstone, southwest through the valley of the Pawtuxet, and over the Rhode Island borders into the neighboring townships of Massachusetts and Connecticut. . . .

The official return of cotton manufactures in 1810 is too inaccurate either to measure the extent of the industry or to describe its location. Probably many census agents did not know what a textile mill was; and they classed as factories plantation loom houses and the cottages or shops of village jenny-spinners. This explains the large number of establishments reported from the South and West. We are told that about

1810 several cotton spinning machines near Fayetteville were run by water; and even twenty years before that water-driven cards, slubbing-machines, and spinning-frames of 84 spindles were said to be in operation near Statesburg. . . . Small mills may have been started in the Carolinas and Georgia, and after a brief infancy have vanished and left no name; but, if so, the fact is curious rather than significant, for it had no relation to the subsequent history of the industry. Such mills must have used local upland cotton, which was still relatively scarce and was not spun successfully by the imperfect power machinery used in America before 1810. In 1803 there was a cotton carding and spinning shop at Pittsburgh, and the next year a small water-power mill was started in Washington County. The hemp and flax spinners of Kentucky probably employed some cotton. But except for the Washington County mill, at Canonsburg, and probably a mill at Nashville, we have no precise record of Arkwright machinery in either the South or the West until the war with England.

During hostilities cotton mills were established in both these sections. In 1811 the Bolton mill was erected in Wilkes County, Georgia; during the war Governor Williams operated a mill at Society Hill, South Carolina; . . . In 1809 or thereabouts an unsuccessful attempt was made to promote a cotton and woolen factory at Richmond, and this was followed shortly afterwards by a short-lived cotton mill. A "Homespun Company," apparently of larger promise than attainment, made some cloth at Charleston, but whether with improved machinery is uncertain. When the war closed at least two steam cotton mills were running in the West, at Pittsburgh and Lexington respectively; and three horse-power mills, with an aggregate of 1200 spindles, were spinning yarn at Cincinnati.

However, the great expansion had been in New England and the Central States. Between 1809 and 1815 the number of mills within a day's carriage drive of Providence increased from 41 to 169, and the number of spindles from 20,000 to 135,000. In 1815 New London County, Connecticut, had 8 mills, and Essex County, New Jersey, had 13. A score of similar establishments were strung along the Hudson, from Ramapo and Peekskill to Ballston Spa, where a steam factory with a capacity of 11,000 spindles was beginning a brief career. Ten or twelve mills formed another group in Oneida and Otsego counties, and along the lower Delaware were many others. Philadelphia, though it had Arkwright ma-

chinery, was mainly a weaving center, and bought yarn for its looms from Rhode Island and Paterson spinners. Baltimore had a considerable cotton industry, and a mill was reported in operation at Petersburg. During the decade ending with 1815 our annual consumption of cotton was supposed to have risen from 500 to 90,000 bales of 300 pounds each. In the latter year the industry was estimated to employ a capital of \$40,000,000 and 100,000 operatives. The power-loom was in successful use at Waltham, and both warp and filling could be spun by power from upland cotton. Though most mills were small, the largest in New England and Maryland now operated over 5000 spindles.

Meantime a household weaving industry had grown up in association with mill spinning. This phase of manufacturing, like the use of minor water-powers, helped to keep spinning dispersed in small establishments. In 1815 the traveler through eastern Connecticut met "every few miles a factory, from which yarn is furnished to every female able to weave in the vicinity." . . .

When at the end of the war with England a flood of foreign goods overwhelmed our markets and closed temporarily or permanently most of the cotton mills of the country, this terminated a definite era in New England manufacturing. Yarn mills in other parts of the country might continue in operation, or if closed might eventually resume, for their market was in part maintained by the demand for yarns on the frontier, where homespun industries survived, and in part by the hand-loom weavers of Philadelphia, where skill and community production maintained textile manufactures resembling those of the Old World. Even New England spinning mills continued to make yarn for southern and western consumption, for the vanishing homespun weavers of remote townships in their own States, and especially for manufacturers who bought some of their yarns in the open market. But the typical New England factories, that after 1816 rose on the ruins of the earlier mill industry, performed all the operations of cloth-making within a single establishment, and made only one or two kinds of goods. The terms of the tariff and the successful example of Waltham caused these standard fabrics to be heavy, plain, white cloths. . . .

The recovery of our cotton manufactures after the peace crisis was nearly as remarkable as that event itself. An imperfectly organized industry, with hastily built and equipped plants, had been almost swept out of existence. Of the 169

mills around Providence those that survived without suspension or reorganization might be counted on one's fingers. The nascent mill industries south of the Potomac ceased to exist. Naturally the re-establishment of these manufactures took more time than their overthrow. But the new tariff law with its system of minimum valuations, the power-loom with its cheapening of labor costs, and a world-wide business revival that benefited cotton manufacturing more than any other equally important industry, enabled the country speedily to nurse back to a maturer strength than before this most promising of its early industries. . . .

The American power-loom was used successfully at Waltham in 1815, and the Scotch or Gilmour loom at North Providence in 1817. Their introduction in the midst of a great depression possibly facilitated their general adoption during the reorganization of the cotton industry in the following period of recovery. Duck was woven by power at Watertown, within a mile or so of Waltham, in 1816. . . . In 1818 two mills at Taunton and one in Oneida County, New York, installed this machinery to be followed the next year by a mill at Fall River. Finally, in 1820, the largest company outside New England, after some months of experiment, began weaving cloth with 30 power-looms at Baltimore. That year the partial returns of the census indicate that at least one-third of the 2400 looms in American cotton mills were operated by power, and that this improvement had been adopted in every Atlantic State north of Virginia except Maine and Delaware. At that time, according to census agents, our cotton factories contained 325,000 spindles, but 40 per cent of these were idle. Nevertheless the industry already was convalescent, and the following year it recovered completely from its past disasters.

Cotton manufactures in the South reproduced rather closely the order of development exhibited by New England twenty years before. The crisis of 1816 and 1817 caused several mills in South Carolina to close. However, immediately after the war one or two colonies of New England cotton-spinners — possibly driven from home by hard times in their own section — settled in the Carolina uplands and founded a new group of mills in Spartanburg County and vicinity. They made yarn and possibly some cloth, but their principal sales were among the mountain farmers, who wove cotton filling with linen

warps into homespuns, as New England farmers had done at the close of the previous century. These mills thrived sufficiently to attract Providence capital during the following decade, and before 1830 Carolina yarn was shipped to New York markets. . . . By the early thirties power-spinning and some factory-weaving — probably on hand-looms — were permanently established in the upland-cotton country.

Cotton-spinning in the West, though it started early, never became an important industry. Enough Alabama and Tennessee cotton came to market down the tributaries of the Ohio to encourage its manufacture in Kentucky, whose mills in 1820 had more spindles than those of Maine or Vermont, or any other western or southern State. These establishments were small, and with one or two exceptions produced only yarn. Of 12 in Lexington and vicinity, only one used steam, and the remainder were presumably operated by hand or by horses. There were 4 mills at Chillicothe, Ohio, of which only one used water-power. The single manufactory in Indiana — where cotton was then cultivated for local use — had 108 spindles and was driven by oxen on an inclined plane. . . .

While these pioneer undertakings were struggling into life in remoter parts of the country, the cotton manufactures of New England and the Middle States were passing through maturer experiences. Mills that survived the dark years between 1815 and 1820 were generally fitted by location, management, equipment, and resources to continue the industry successfully. So far as the precarious statistics of 1820 are a ground for conclusions, cotton-spinning by this time had nearly recovered the position occupied in 1815. About one-third of the spindles of New England and New York were making yarn for power-looms. The ratio of looms to spindles was higher in Massachusetts than in neighboring States. New Jersey and Delaware mills were engaged chiefly in spinning for Philadelphia manufacturers, but most of the yarn made in Maryland was woven in local factories. Therefore, except for the small but important district tributary to Philadelphia, the centralized system of manufacture was rapidly extending.

This concentration affected all aspects of the industry. More processes were performed in one establishment; the capacity of individual mills was enlarged; the plants began to group in narrow areas. Technical and commercial limitations no longer restricted the size of factories

so much as formerly; but most mills, and most spindles, even in old manufacturing districts, were still moved by small water-powers. . . .

The series of large water-power developments . . . which gave rise to the new manufacturing cities of the Merrimac, was anticipated or repeated in a smaller way at several mill villages on rivers tributary to the New England sounds. Webster, Woonsocket, Willimantic, and most of the interior towns of that district date their growth, if not their origin, from this period. . . . Fall River, earlier known as Troy, owed its rise almost entirely to cotton-spinning, and textile mills added to the industrial importance of Taunton. . . .

Between 1820 and 1832 the number of spindles in Rhode Island increased in round numbers from 70,000 to 240,000. There may have been 1 mill loom in use for every 160 spindles the former date; there was 1 for every 40 spindles in 1832. Connecticut increased its spindles from 30,000 to 140,000, and its loom capacity in the same ratio as Rhode Island. Massachusetts, with more capital and room for growth, raised its spindles from 52,000 to 340,000, and employed relatively more factory looms than its neighbors. It had now passed Rhode Island as our leading cotton manufacturing State. . . .

The history of this progress embraces two salient features: the appearance of big corporations with plants designed for special goods, and the rise of calico-printing to importance. In 1821 there was a better demand for domestic manufactures than had existed since the war with England, and this condition continued without serious alteration, except for a temporary overstock of coarse cloths in 1824, until towards the end of the decade. Following the tariff of 1828 came a period of unusually active mill-building and consequent over-production, which resulted in the short but sharp crisis of the succeeding season. But the recovery was so prompt that by the autumn of 1830 Providence papers stated that prospects of manufacturers had not been brighter since the peace of 1815.

Though confidence was unsettled somewhat by the tariff controversies of 1832, it was not until 1834 that another period of stagnation overtook the cotton market. These fourteen years of almost uniform prosperity saw the principal business interest of New England change from commerce to manufacturing. Soon after the close of the previous war many merchants, disappointed of recovering the prosperity they had enjoyed before that event as the world's

chief neutral carriers and traders, and foreseeing that the success of automatic weaving in America would end one of the most profitable branches of the Indian trade, transferred their capital definitely to industrial pursuits. This determined the form and policy of the big manufacturing corporations whose establishment was the distinctive feature of the following period.

Even the depression following the war did not check the prosperous career of the Boston Manufacturing Company, which produced its first cloth in 1815, built a second larger mill two years later, and added a third factory and a bleachery in 1820. This convinced Boston capitalists that cotton goods could be made profitably in New England and that the Waltham method best suited our conditions of production. Therefore, as soon as the business horizon cleared, measures were taken to start this system of manufacture in other places. Soon after 1820, in addition to smaller enterprises, two groups of large factories were promoted. The first was at Lowell, and made that city until the Civil War the leading textile center of America; the other was at Dover and Somersworth, in New Hampshire, on the boundary between that State and Maine. The latter mills were built with Boston money, but by different investors from those who supported Waltham and were engaged in founding Lowell. As a consequence of this movement, Boston became the conspicuous financial and commercial supporter of New England's textile development during the years that followed 1820, as Providence had been during the years preceding.

The conception of Lowell as a manufacturing city was probably an afterthought, though it dawned early in the consideration of this project. When the Boston Company completed its third mill at Waltham, it practically exhausted the water-power then available at that site. With the erection of a bleachery, it began in a small way to make finer goods than the No. 14 unbleached sheetings that were its standard fabric. The cautious directors of the company, having won a steady sale for the latter cloth, were careful not to oversupply the demand by too rapid expansion, but they saw an opportunity to apply their system of manufacture to making calicoes, and thus to capture a section of the domestic market still held by foreign goods. In seeking a site for this purpose the large water-power on the Merrimac was chanced upon, and with its development came a vision of broader possibilities. At its inception the new project

was only a repetition of what had been done at Humphreysville, Slatersville, and other places. The Merrimac Company, which was the original Lowell corporation, was organized in 1822 with \$600,000 capital, or the amount then employed by the Boston Company, which was the largest textile concern in New England. . . . And ten years from the time it shipped its first goods to Boston its factories contained over 30,000 spindles and 1,000 looms.

Meantime, in 1825, the Hamilton Company was organized, with \$600,000 capital, to make drillings—a fabric which it originated—and fancy cloths; in 1828 the Appleton and Lowell companies were chartered, both of which manufactured coarse goods to supply a demand that had outgrown the capacity of Waltham; and in 1830 the Suffolk, Tremont, and Lawrence companies were started. By the end of 1834 these six corporations operated 19 cotton mills at Lowell, with 110,000 spindles and 4000 looms. This represented the most remarkable decade of progress, in a single place and industry, as yet achieved in our manufacturing history. . . .

These large corporations, regarded as gigantic in their day, did not monopolize the progress of cotton manufactures during the revival that followed 1820; indeed they did not contribute a major fraction to the spindle increase that then occurred. But these enterprises and others like them were the prominent and, as we see in after-sight, the permanent new feature of the years in question. They expressed the type of industrial organization that eventually was to prevail in America. However, their success at this particular time was aided by the introduction of calico-printing and fancy weaving. . . .

About 1824 printing was started in New England on the large and systematic plan characteristic of Boston undertakings. Nathan Appleton and other merchants who backed the Waltham enterprise knew thoroughly the profits and prospects of the trade in foreign calicoes. As soon as their Waltham experience made them equally familiar with manufacturing costs, they saw that such goods could be made in America more cheaply than they could be imported. So the Merrimac Company, which was organized to make calicoes, began printing in 1824, the year that other large works at Taunton, under construction in 1823, probably went into operation, and that Andrew Robeson commenced the business that developed into the Fall River Print Works. The next year printing began near Providence; in 1826 a firm soon to attain importance

started at Hudson; and in 1827 a large plant went into operation at Dover to serve the big mills of the Cocheco corporation. Meantime the Warren Company, near Baltimore, had a printing establishment in connection with its factory. . . .

Outside of New England the example of Lowell's big factories had little influence upon manufacturing methods, though in New York and Maryland spinning and weaving were usually combined in one plant. In 1832 the largest mill in New York had less than 10,000 spindles. Hand-loom weaving still prevailed at Philadelphia, whose manufacturers bought most of the fine yarns spun at Paterson, as well as the output of the small mills in eastern Pennsylvania. There were some 30 spinning mills in the immediate vicinity of the former city, and Manayunk between 1819 and 1827 grew from a toll-house to a manufacturing town of nearly 3,000 people, with 5 cotton factories, and other industries. Cloth was woven in separate establishments also at Paterson, Wilmington, and Baltimore, and at these places, as well as in New York City, hand-loom weavers continued to find employment. . . .

Our principal textile areas continued to be near the New England coast and in the valleys of the Hudson and the Delaware, but within this region three districts having different manufacturing practice had arisen. North of Boston, Waltham precedents governed organization and technical processes. Cotton factories were large and controlled by big corporations; they spun yarns for both warp and filling mostly on throstle-frames, and produced large quantities of standard cloth. In southern New England and in the upper Hudson Valley mills of more moderate size were operated by individual proprietors or small stock companies; they employed many mule-spindles and spun fine numbers; yarn as well as cloth was marketed, and varied fabrics were produced. Paterson and Philadelphia continued to make cloth in the way it was made in England. In these cities manual skill and trade experience accomplished what automatic mechanism and scientific management attained along the Merrimac. For the most part the spinner, the dyer, the weaver, and the printer and finisher were independent manufacturers, performing their respective services for cloth merchants, or buying the product of the operation preceding their own and selling it one step nearer completion to their successor.

In Delaware and Maryland, cotton manufac-

turing was about stationary during the ten years before 1830, but it increased with relative rapidity in Virginia, where a group of mills had grown up at Richmond and Petersburg, which were receiving points for cotton from the Carolina uplands. In 1842 the latter town had 25,000 spindles and 724 looms employed upon coarse sheetings, of which over 20,000 yards were made daily. More than half the spindles in Virginia were at this place. . . .

During the twenty years that intervened between 1840 and the Civil War the number of spindles in the country more than doubled, rising to over 5,200,000 in 1860. Our cotton industry grew nearly twice as fast as the population. This growth was accompanied by the usual alternations of prosperity and depression. These began with the dull times of 1842, which were followed by several years of great manufacturing activity. Shortly before 1850 the experience of 1829 and 1831 was repeated; factory-building outstripped both crops and markets; cotton prices soared while the price of yarn and cloth remained stationary or declined, and the margin of manufacturing profit disappeared. For the next ten years the industry was for the most part prosperous, but its condition was rendered precarious by heavy imports of prints and print-cloths under the Walker tariff, and by the financial uncertainties that culminated in the crises of 1857. Particularly in New England this was a time of industrial malaise and self-criticism. However, the number of spindles at Lowell rose from 300,000 in 1850 to 400,000 in 1860, and the number of looms from 9000 to 12,000. The Lonsdale Company, in Rhode Island, started the decade with \$250,000 capital, and paid during these ten years \$68,000 in dividends, besides adding about \$500,000 to its undivided earnings. In New England spindle capacity rose 40 per cent; and in the country as a whole the value of cotton manufactures increased more than three-fourths. . . .

2. INDUSTRY IN THE PRE-CIVIL WAR SOUTH

Although the Pre-Civil War South was predominantly an agricultural area, industry gained a foothold in some communities. A contemporary account of the manufacturing establishments in Columbus, Georgia, shows the extent to which manufacturing had developed in a few southern towns by 1850.³

THE COWETA FALLS Manufacturing Company's establishment occupies a large brick building, containing 2,500 spindles, which make from 1,400 to 1,800 pounds of thread per day; 44 looms, making 1,800 yards of heavy osnaburgs per day; 24 cotton cards, three wool cards, and one wool jack. They also manufacture a considerable quantity of linseys, which are more profitable than osnaburgs and yarns. They employ from 115 to 120 boys and girls, from twelve years old upwards. Average wages: superintendent \$1,000 per annum; overseers \$30 to \$60 per month; weavers \$15; carders \$8; spinners \$7.50. Power: one of Rich's centre vent wheels, five feet diameter, capable of carrying as much more machinery. Profits on investment 10 to 15 per cent.

Near this establishment is Carter's Factory—a large brick building, six stories high; cost, \$10,200; privilege, 3,000; calculated for 200 looms and 10,000 spindles; estimated value, when completed, \$100,000; will employ from 800 to 1,000 hands.

Not far from this building is the Howard Manufacturing Company's establishment. The building is of brick, 50 by 125 feet, six stories. It contains 5,000 spindles, 103 looms, 40 more to be added. Entire cost \$100,000. They manufacture 15,000 yards of cotton osnaburgs, sheetings, and shirtings per week, and 400 to 500 pounds of thread; employ 100 hands, from twelve years old upwards, one-third of whom are males; wages from 12 to 75 cents per day for common hands; assistants \$1 to \$1.25; overseers from \$2 to \$2.50; superintendent \$900 per year. Consumption, 1,200 bales cotton. Past profits, under some difficulties, have varied from \$34 to \$100 per day; estimated future profits 20 per cent. on investment. There is an extensive machine shop connected with this manufactory. We examined some bales of cloth made by this establishment, and found it of a very superior quality. The hands, male and female, had a general appearance of cleanliness, health and contentment. The proprietors of the manufactories have made arrangements for preaching, Sunday schools, and daily free school, for the operatives and their families.

We next visited Winter's Palace Mills. This is a large brick edifice, of six stories, occupied by a machine shop, four runs of mill stones—two for wheat and two for corn—with all the necessary flouring apparatus, capable of turning out from 80 to 100 barrels of flour per day. The entire cost was stated to be some \$50,000.

³ Reprinted from the Albany (Ga.) *Patriot* in *De Bow's Review*, X, (1851), pp. 314-315.

Ten thousand bushels of wheat had recently been purchased in Baltimore, and was being made into flour at this mill.

Near this establishment is one which is rightly termed "Variety Works" — sawing lumber, planing, making tubs, pails, bed-steads, window blinds, sashes, &c., all by machinery adapted to these purposes. This is doubtless one of the most profitable establishments in Columbus.

These several establishments are situated on the East bank of the river, and are propelled by water, taken from the great conduit which has been constructed of stone, to receive and retain the water of the Chattahoochee river at a sufficient elevation to afford the necessary power. The head of water thus furnished is from 10 to 14 feet. This conduit is calculated for supplying the power of many other manufactories.

There are two iron foundries in Columbus,

which turn out a large amount of casting and machinery for mills, steamboats, &c. They employ a steam engine. . . .

On the river, above the city, are several establishments, which we had not the pleasure of visiting; among them the Rock Island Paper Manufacturing Company. Capital employed, \$40,000, to be increased to \$45,000, to complete the machinery. They now manufacture 1,000 lbs. Cost of rags and other materials from 1 to 3½ cents per lb. Price of paper, from 10 to 12½ cents per pound. Employ 7 girls, 2 boys, 13 men, and 1 teamster. Wages: girls \$8 per month; foreman \$100; machinist \$60; two operatives \$40 each. . . .

In all cases where we have given the wages, the parties employed board and lodge themselves.

III

The Plight of the Workingmen

BY MODERN STANDARDS labor conditions were unsatisfactory during the first half of the nineteenth century among both the skilled craftsmen and the factory workers. Wages were low, hours of work long, and working conditions, especially in the textile factories, were generally bad. Most of the operatives in the New England cotton mills were women. In these so-called boarding-house mills the women lived in boarding houses owned by the company, and were strictly supervised in all of their activities. Other factories, particularly those from Rhode Island to Pennsylvania, hired entire families and in these mills many children were employed. Although there was much to criticize in the conditions of the factory operatives, the large number of girls and families who sought employment there may indicate that circumstances were not so unattractive when compared to contemporary farm life.

1. A CRITICAL ACCOUNT OF LABOR CONDITIONS BY A CONTEMPORARY

In many textile factories the position of labor was unquestionably bad and those seeking to improve the lot of labor made much of these circumstances. In 1846 a writer who visited some New England mills wrote the following account.⁴

⁴ *The Harbinger*, November 14, 1846. Quoted in John R. Commons, *A Documentary History of American Industrial Society*. Reprinted by permission of the publishers, The Arthur H. Clark Company from Commons *Documentary History of American Industrial Society*, Vol. VII, pp. 132-135.

WE HAVE LATELY VISITED the cities of Lowell and Manchester, and have had an opportunity of examining the factory system more closely than before. We had distrusted the accounts, which we had heard from persons engaged in the Labor Réform, now beginning to agitate New England; we could scarcely credit the statements made in relation to the exhausting nature of the labor in the mills, and to the manner in which the young women, the operatives, lived in their boarding-houses, six sleeping in a room, poorly ventilated.

We went through many of the mills, talked particularly to a large number of operatives, and ate at their boarding-houses, on purpose to as-

certain by personal inspection the facts of the case. We assure our readers that very little information is possessed, and no correct judgments formed, by the public at large, of our factory system, which is the first germ of the Industrial or Commercial Feudalism, that is to spread over our land. . . .

In Lowell live between seven and eight thousand young women, who are generally daughters of farmers of the different States of New England; some of them are members of families that were rich the generation before. . . .

The operatives work thirteen hours a day in the summer time, and from daylight to dark in the winter. At half past four in the morning the factory bell rings, and at five the girls must be in the mills. A clerk, placed as a watch, observes those who are a few minutes behind the time, and effectual means are taken to stimulate to punctuality. This is the morning commencement of the industrial discipline — (should we not rather say industrial tyranny?) which is established in these Associations of this moral and Christian community. At seven the girls are allowed thirty minutes for breakfast, and at noon thirty minutes more for dinner, except during the first quarter of the year, when the time is extended to forty-five minutes. But within this time they must hurry to their boarding-houses and return to the factory, and that through the hot sun, or the rain and cold. A meal eaten under such circumstances must be quite unfavorable to digestion and health, as any medical man will inform us. At seven o'clock in the evening the factory bell sounds the close of the day's work.

Thus thirteen hours per day of close attention and monotonous labor are exacted from the young women in these manufactories. . . . So fatigued — we should say, exhausted and worn out, but we wish to speak of the system in the simplest language — are numbers of the girls, that they go to bed soon after their evening meal, and endeavor by a comparatively long sleep to resuscitate their weakened frames for the toils of the coming day. When Capital has got thirteen hours of labor daily out of a being, it can get nothing more. It would be a poor speculation in an industrial point of view to own the operative; for the trouble and expense of providing for times of sickness and old age would more than counterbalance the difference between the price of wages and the expense of board and clothing. The far greater number of fortunes, accumulated by the North in compari-

son with the South, shows that hireling labor is more profitable for Capital than slave labor.

Now let us examine the nature of the labor itself, and the conditions under which it is performed. Enter with us into the large rooms, when the looms are at work. The largest that we saw is the Amoskeag Mills at Manchester. It is four hundred feet long, and about seventy broad; there are five hundred looms, and twenty-one thousand spindles in it. The din and clatter of these five hundred looms under full operation, struck us on first entering as something frightful and infernal, for it seemed such an atrocious violation of one of the faculties of the human soul, the sense of hearing. After a while we became somewhat inured to it, and by speaking quite close to the ear of an operative and quite loud, we could hold a conversation, and make the inquiries we wished.

The girls attend upon an average three looms; many attend four, but this requires a very active person, and the most unremitting care. However, a great many do it. Attention to two is as much as should be demanded of an operative. This gives us some idea of the application required during the thirteen hours of daily labor. The atmosphere of such a room cannot of course be pure; on the contrary it is charged with cotton filaments and dust, which, we were told, are very injurious to the lungs. On entering the room, although the day was warm, we remarked that the windows were down; we asked the reason, and a young woman answered very naively, and without seeming to be in the least aware that this privation of fresh air was anything else than perfectly natural, that 'when the wind blew, the threads did not work so well.' After we had been in the room for fifteen or twenty minutes, we found ourselves, as did persons who accompanied us, in quite a perspiration, produced by a certain moisture which we observed in the air, as well as by the heat. . . .

The young women sleep upon an average six in a room; three beds to a room. There is no privacy, no retirement here; it is almost impossible to read or write alone, as the parlor is full and so many sleep in the same chamber. A young woman remarked to us, that if she had a letter to write, she did it on the head of a band-box, sitting on a trunk, as there was not space for a table. So live and toil the young women of our country in the boarding-houses and manufactories, which the rich and influential of our land have built for them. . . .

2. THE PLIGHT OF THE WORKER AS SEEN BY A MODERN SCHOLAR

Modern scholars have pointed out that, while the situation among wage-earners was bad, there were some redeeming features which pulled farmers' daughters and others to the mill towns in search of employment. Caroline F. Ware in her book, The Early New England Cotton Manufacture, has given a fair and dispassionate picture of the wages, hours and conditions of work, and the general position of the textile operatives in New England prior to the Civil War.⁵

THE TERMS AND CONDITIONS under which mill labor worked tended slightly to exceed rather than to fall below the standards of the community. These conditions were prescribed in the early days chiefly by the ideas of the manufacturers and remained virtually the same throughout the period under discussion, if one measures earnings, hours, and physical conditions in absolute terms. Relatively, however, they tended to decline, for competition within the industry put pressure on the manufacturers to try to exploit their labor force to the full, while at the same time the standards of the community went up. The effect of these conditions, moreover, became much more serious when applied to a permanent rather than a temporary labor force. As factory conditions diverged farther and farther from the standards of the community the mills ceased to be attractive to the type of girls who had first entered them. Instead of organizing for direct action or securing the support of the public to improve mill standards, these temporary employees abandoned their jobs to workers with a lower standard of living and fewer ambitions. As a result of this process, the character of the workers, the complexion of the population and the standing of mills in the community were all radically changed by 1860.

Cotton mill wages started out by being comparatively high. In contrast to the starvation wage with which the English could obtain pauper labor, the American manufacturers had from the first to offer a wage which would entice into the mills a class of self-supporting farmers and mechanics, as well as girls for whom 'gain, not bread' was the motive for factory work. For women, mill work was the first outside occupation, with the exception of domestic

service, in which they could earn enough to be self-supporting and mill pay was consistently above the rates paid to women in other employments. The situation was somewhat different with men, for the factory was simply an added field of employment and only affected their wages when it increased the demand for labor in a particular locality. As for children, mill labor transformed them from apprentices into wage workers but it hardly seems to have bettered their lot since their wage did not provide for their support.

It is very difficult to obtain accurate data on the subject of mill wages because they were so various. 'I have been making endeavors,' wrote the Lancaster company's agent in 1829, 'to ascertain the rates of wages paid in other factories, but so far without much success. The kinds of cloth are so different in different establishments that it is almost impossible to get at any comparative exact standard.'

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The report shows within the state of Massachusetts wage differences based on locality and on the type of factory. Wages were consistently high near Boston and in the boarding house mills regardless of location, and comparatively low in the western and southern parts of the state and in the family mills. . . .

There is no evidence that wages varied with the size of the town, half the very low rates being found in towns under two thousand and half in large centers. The size of the mill seems also to have had little effect, for there is only one case where a large mill paid noticeably more than the prevailing rate and there is at least one case where a mill of the boarding house type paid high wages although it was small. Where mill records are available their evidence bears out the McLane report. . . .

The ordinary rate for women in the family mills seems to have been two dollars a week, in the boarding house mills at least two dollars and a half. The Lippitt factory had only two women paid by the week who earned over two dollars and not a single woman in the Slater mills earned as much as two dollars and a half until after 1836. At Waltham, on the other hand, in 1821 and 1823, no one made less than two dollars a week and a few so little as that. The

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In Lowell, where most work was done by the piece, the average mill girl was said to be earning in 1853 three dollars and fifteen cents a week or one dollar and ninety cents above her board of a dollar and a quarter. Probably some girls came thinking that they could make as much as this and found that they could not, but average earnings both at Lowell and in other boarding house mills seem to have approached that sum. . . .

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The irksomeness of domestic tasks was partly responsible for driving girls from the household to the factory, but pay as well as preference entered in. Fifty cents per week with board was the wage of domestic servants in 1815. In 1835 the wage of domestic servants was the customary rate but seventy-five cents was not so easily available at that price as they had been before.

Seamstresses could make even less than servants because, besides receiving very low wages, they suffered from uncertainty of employment. A Philadelphia society for the relief of industrious females found that the average wage of seamstresses in that city in about 1835 was ninety-four cents per week. In Baltimore the maximum was a dollar and a half, the minimum fifty-four cents and the average eighty-nine cents. . . .

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but she was employed for only eighteen weeks out of the year. In 1828 she received two dollars a week and in 1829 two dollars and a quarter above her board but still only for four and a half months. During the rest of the year she had to resort to mill labor or take in poorly paid custom work. . . .

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mills had, no doubt, the general effect of raising mechanics' wages throughout the region where these mills were located, but artisans continued to work long hours in factories for the same wages after the ten-hour day had been established for other mechanical trades.

The wages received by children seem hardly worth working for. The Troy Company paid some of its child workers the miserable sum of thirty-three cents a week. Most received forty-two or fifty cents. Fifty cents seems to have been the common Rhode Island rate. . . . In 1817, nearly every family in Slater's employ had one child earning the minimum rate of fifty cents, but by the thirties very few received less than sixty-seven cents a week. . . .

The Lancaster company was paying more than the current rate even before it introduced the boarding house system. It employed a family in 1815 on the following terms:

Son	10 years old,	\$0.83 per week
Daughter . . .	12 years old,	1.25 per week
Son	13 years old,	1.50 per week
Son	16 years old,	2.00 per week
Sister		2.33 per week (adult rate)
Her daughter	8 years old,	0.75 per week

Mill wages in the family mills were seldom paid in cash, except to the skilled mechanics. The workers commonly received due bills on the company store and charged their purchases against the amount owing them for work. Even overseers and mechanics sometimes agreed in their original contracts to accept this sort of pay. In Fall River, agreements ordinarily stipulated that at least half of a person's pay should be in store goods. At the Slater factory the employees were obliged to trade at the company store and the store bill was always deducted from the monthly pay account. If anything remained due it might either be credited on the store books or paid in cash. In a mill in Troy, New York, run by a former Rhode Island operator, the company books served as a sort of savings account for the employees who drew out money as they needed it and received interest on any balance of unpaid wages that remained a sufficient time on the books.

Store pay was made necessary by the scarcity of currency in the community and the limited amount of working capital on which the small mills operated. Its disadvantages, however, were many. . . .

Unquestionably, that system of pay lent itself

to abuse in the form of high charges for goods and falsification of accounts. Miss Abbott cites the case of Hannah Borden, a Fall River worker, who insisted on seeing her account, and found herself charged with suspenders and rum. . . .

It is almost impossible to determine what these wages meant, in terms of earnings and the standard of living that they permitted. Mill hands can be compared with other workers on the basis of their money wage and they can be found to be so much better or worse off than somebody else but their income cannot be measured by any absolute standard. It is futile to compare them with corresponding income classes to-day because standards of expenditure have so changed for the whole community. One can only observe from the accounts which mills carried with their help that child workers do not appear to have supported themselves, while women and single men were able to cover their living expenses and to save.

The Slater Company kept a book in which rent of the company's house and provisions from the company store—all the possible expenditures of their laborers since there was nothing but the mill in the village—were charged against wages. . . . From these accounts it is possible to see how far an individual or a family was able to accumulate savings on the basis of mill earnings.

Of the dozen families with from three to seven children each, employed from 1817 to 1819, only two managed to keep out of debt for those years. All the other large families ran behind continually. One family of a man at a dollar a day, a grown son at four dollars a week, and six other children, earning a total of seventeen dollars and forty-nine cents a week or eight hundred and thirty-seven dollars in one year, found their living expenses equal to their total earnings, so that whenever the entire family was not employed, the debt to the company piled up against them. The only people who continually came out with a balance in their favor were the skilled workmen with no families, the single women who earned two dollars a week and could live on about a dollar and sixteen cents and the small families where the father and one or two fairly grown children were all at work.

In return for these wages, workers labored from sun up to sun down in summer and during the darkness of both morning and evening in the winter. These hours seem appallingly long, but they only attracted attention when they exceeded the common working day of twelve hours.

A New Hampshire editor declared that the manufacturers should pay overtime rates when girls worked fourteen to sixteen hours a day, for no other people ever thought of working more than twelve. . . . Seth Luther added that thirteen working hours should really be considered as fourteen for the half hours allowed for breakfast and for dinner were indeed labor when they involved going home half a mile, eating and getting back before the bell sounded.

The boarding house mills required more than twelve hours during several months and averaged twelve and a half hours for the whole year. . . . The longer hours in the summer time obviously depended on the greater ease and economy of working by daylight, since lamplight was both costly and poor. . . .

Not content with so long a working day, some factory managers got a few extra minutes out of their work people by 'a singular mode of reckoning time.' 'We have noticed,' wrote the editor of the *State Herald*, 'at five in the morning, their time is correct. At night, however, all other time is fifteen, twenty, and thirty minutes faster than the factory time. This is unprincipled conduct, and done to defraud the people out of time.' In 1831, the operatives at Exeter, New Hampshire, struck against this practice because it made them work regularly until nearly eight o'clock for pay till seven-thirty. . . .

Long hours were taken for granted everywhere in the early days of the industry but they were still maintained in the mills after other parts of the community had adopted a shorter working schedule.

Physical conditions in the factories were far from attractive. Mills were built with thick stone walls pierced by small windows which admitted insufficient light and were rarely opened to let in fresh air. In these stuffy rooms, the girls worked in large numbers amid the flying lint and noisy machinery. In the winter time the atmosphere was made still more close and oppressive by the whale oil lamps, stuck on pegs on each loom, that were lighted morning and evening during the dark hours of work. . . .

Conditions of work were not alike in all parts of the mill. One of the girls who testified in 1845 said that her room was better ventilated than most. Work in the dressing-room was much in demand because it was clean, quiet, and there was more leisure than in the spinning and weaving rooms. In the cloth room, where the cloth was measured and recorded when it came from the mills, there was no noise or dirt and the

actual hours of work were seldom more than eight per day.

These conditions all obtained in the boarding house mills. There is no evidence for the mills of the other type except a few damning attacks of labor writers, but one can assume that conditions were no better there. On the other hand, there is every reason to believe that they were frequently worse. The large mills were continually in the public eye and their owners posed as the enemies of bad conditions. Their greater resources, moreover, made possible better plant organization and better care of the workers. In Lowell, the corporations had their employees vaccinated at the company's expense and cared for in case of sickness in the corporation hospital. If any operative was unable to pay the hospital charge of three dollars a week, the corporation by which she was employed advanced the money and deducted the sum from her wages after she returned to work.

The higher standard of living of the girls employed in the boarding house mills must also have tended to produce better physical conditions in those factories than in the family mills. The presence of so many children in the latter type of plant, moreover, made the unhealthy surroundings there an especially serious problem. On a trip to Pawtucket in 1801, Josiah Quincy was shocked by the conditions under which he found children at work. The proprietor was 'very eloquent on the usefulness of this manufacture, and the employment it supplied for so many poor children. But an eloquence was exerted on the other side of the question more commanding than his, which called us to pity these little creatures, plying in a contracted room, among flyers and cogs, at an age when nature requires for them air, space, and sports. There was a dull dejection in the countenance of all of them.' . . .

In the boarding house factories, residence in the boarding house went with employment in the mills. These houses carried the crowded and ill-ventilated conditions of work into the leisure hours, but at the same time they served a genuinely social and educational function for the farm-bred girls. Here the girls lived in groups of fifteen or thirty with no peace or privacy but with considerable conviviality — or friction. The boarding house keeper, often a widow trying to support her children, was obliged by the corporation to keep a strict lookout for her girls. She was responsible for seeing that they were in and the doors locked on them by ten o'clock.

and that no improper conduct went on within the house. . . .

A description of the physical characteristics of the mills and boarding houses only partially indicates the conditions under which the operatives worked and lived. Quite as significant are the restrictions on their liberty, the regulations for life and work which they had to obey, the chance of tyranny and favoritism to which they were subjected, the degree of security which they enjoyed and the status which mill work gave to them.

Workers were commonly bound by contracts which specified their terms of employ, the length of time for which they were hired, the rent of their tenement, restrictions on their activity, and the work which they agreed to perform. The following are samples of such agreements:

'Agreed with Abel Dudley for himself and family to work one year from the last day of March past at the following rates, viz: self, four shillings threepence [71¢] per day to tend picker, Mary eight shillings per week, [\$1.33] Caroline four shillings per week [67¢]. Mary and Caroline have the privilege of going to school two months each, one at a time, and Amos is to work at four shillings per week when they are out.' . . .

Families were held to as much work as was called for in their contract. The Pocasset Company sent around eviction notices which read: 'As you have failed to furnish the help which we expected when we let you the tenement which you now occupy, we feel bound to give you notice that we shall be looking for a family to occupy it who will furnish help when we want it.' . . .

The company regulations put labor almost wholly at the mercy of employers. The Cochecho Manufacturing Company required the workers to agree to 'conform in all respects, to the regulations which are now, or may hereafter be adopted, for the good government of the institution; to work for such wages as the company may see fit to pay, and be subject to the fines, as well as entitled to the premiums paid by the company.' If they left without two weeks' notice they were to forfeit two weeks' pay. The employers, however, were not bound to give any warning of discharge. In fact workers discharged for any fault were not to consider themselves 'entitled to be settled with, in less than two weeks from the time of such discharge.'

Above all the workers were not to organize or to strike. At Lancaster the workers were required to declare: 'I engage to behave myself in a peaceable orderly manner and not to meddle or interfere with any difficulties that may arise between the said Poignand Plant and Company and any of their other work people or between the persons who keep their boarding houses and the people who happen . . . to board therein.' The Cochecho workers pledged themselves 'not to be engaged in any combination, whereby the work may be impeded, or the Company's interest in any work injured; if we do, we agree to forfeit to the use of the Company the amount of wages that may be due us at the time.' . . .

The employers' power of dismissal was absolute but if a worker left of her own accord before the end of her term of service she was penalized. Once dishonorably discharged she found herself permanently excluded from factory work, at least in the boarding house type of mill. The employers of these mills maintained a blacklist for all such former employees, especially for those who had shown insubordination or had been guilty of trying to raise wages. In 1829, the Hamilton Company's agent sent a circular letter to the other Lowell agents with the names of seventeen girls who had been dishonorably discharged and another similar letter with five names four months later. . . .

The tyranny of the corporations reached a climax in the dictation of the workers' votes. 'Whoever, employed by this corporation, votes the Ben Butler ten-hour ticket on Monday next will be discharged' appeared outside the gate of one of the Lowell mills before election day in 1851. A committee of the Legislature appointed to look into charges of coercion of mill voters collected evidence of threats of discharge and refusal of employment on account of political opinions on the part of several Lowell mills.

On the whole, the terms of employment reduced the mill workers before 1860 to a status which planters, in retaliation for criticisms of their own system, could well liken to that of slaves. The fact that the workers were not more abused can be attributed to the generosity of the earlier employers, the comparative scarcity of labor, and the fact that most of the workers had an independent status outside the factories, but by the end of the period these mitigating circumstances had disappeared.

The transition from this strong union for common purposes to union for political action was easy and was soon made. In May, 1828, the Mechanics' Union proposed to the several trade societies that they join in nominating candidates to "represent the interest of the working classes" in the city council and the state legislature. The proposal was enthusiastically approved. Candidates were nominated and a large number of them, endorsed by either the Jacksonian Democratic party or the Federal party, were elected. Candidates of the other parties were forced to bid for the labor vote and a distinctly labor turn was given to the politics of Philadelphia for three years.

The example set by Philadelphia workmen was soon followed in New York, Boston, Albany, and other leading industrial centers. Candidates were nominated and several of them were elected to local offices. In New York a meeting of mechanics called to support the ten-hour day which had just been secured was transformed into a political meeting and became the germ of the local party organization. In New England an effort was made to combine all workers, including factory operatives, into one big economic and political union, under the direction of the New England Association of Farmers, Mechanics, and Other Workingmen. This Association also planned a nationwide economic and political movement.

In at least fifteen states local labor parties were formed; at least fifty labor papers were founded to voice the aims and demands of labor; political organizations along the old, familiar lines of county and ward committees and conventions were established; and radical agitators demanding revolutionary changes came to the front. The radical movement was, however, confined mainly to New York. In New England the labor leaders chose rather to prepare information and programs for legislators and to arouse popular support for labor's cause. . . .

The philosophy of the political movement. — In the vast mass of newspapers, pamphlets, and political platforms issued by labor in this first political experiment there appears a vague class philosophy which betrayed a distrust of, and contempt for, the rich. Perhaps as good a statement of this early labor philosophy as any to be found is in the declaration of faith put out by the Workingmen's Republican Political Association of Penn Township in Philadelphia in 1830. It runs as follows:

There appears to exist two distinct classes, the rich and the poor; the oppressor and the oppressed; those that live by their own labor, and they that live by the labor of others; the aristocratic and the democratic; the despotic and republican who are in direct opposition to one another in their objects and pursuits; the one aspiring to dignified station and offices of power, the other seeking for an equality of state and advantage; . . .

The practical program of the labor parties. — When the workingmen descended from the realm of high political speculation to state just what it was they wanted, they found themselves in general agreement. Their demands included the ten-hour day, the restriction of child labor, the abolition of the old practice of hiring convicts out to contractors in competition with honest and law-abiding workmen, free and equal public education, the abolition of imprisonment for debt, the exemption of wages and tools from seizure for debt, the establishment of the right of mechanics to file liens on property to secure payment of their wages, and the abolition of sweat shops in homes and factories. To these demands a number of additional reforms were sometimes joined, including temperance, the abolition of lotteries, the abolition of capital punishment, the adoption of cheaper and simpler procedure in the courts of law, the abolition of monopolies, the prohibition of private banks empowered to issue paper currency, the abolition of compulsory militia service, the establishment of the right of the militiamen to elect their own officers, votes for women, and in many cases the adoption of free trade as the national policy in the place of protection.

The ten-hour day. — The most prominent of all the issues in this early political movement on the part of labor was the ten-hour day. It was supported by labor on economic and moral grounds. Particularly was it urged that long hours reduced workmen to the status of slaves, with neither time nor leisure to improve their minds or enjoy the benefits of civilization.

In opposition it was said that the movement for the shorter day was foreign in origin. The Master Carpenters of Boston, for example, declared that they could not believe "this project to have originated with any of the faithful and industrious sons of New England, but are compelled to consider it an evil of foreign growth and one which we hope and trust will not take root in the favoured soil of Massachusetts." In

the second place the ten-hour day was combatted on strictly moral grounds. It was urged against it that it would open "a wide door for idleness and vice and finally commuting the present condition of the mechanical classes, made happy and prosperous by frugal, orderly, temperate, and ancient habits for that degraded state, by which in other countries, many of these classes are obliged to leave their homes, bringing with them their feelings and habits and a spirit of discontent and insubordination to which our native mechanics have hitherto been strangers."

In spite of this sharp opposition, the ten-hour day made headway. Outside of Boston it had become the standard day for municipal employees, and public sentiment was brought slowly around to the view that this proposal, which seemed radical in an age of twelve and fourteen hour days, was after all quite reasonable and proper. At length, in 1840, President Van Buren ordered the establishment of the ten hour day on federal government work after a spirited threat of political action on the part of organized labor and political managers in touch with labor.

Free and equal education.—Although tradition has it that popular education was one of the original doctrines of the American people, in practice free and universal education did not get under way until near the middle of the nineteenth century and is by no means completely obtained at the present time. It is, in fact, largely to the agitation of organized labor in the twenties and thirties that we owe the beginning of the public school system. Labor leaders looked upon education as the real hope of workmen in their struggle to improve their lot, and in 1829 public education took its place at the head of the labor reforms demanded by the Workingmen's Party of Philadelphia. In March, 1834, the trades unions of the country, in a convention in New York City called to consider the "professional monopoly of education," urged the necessity of an "equal, universal, Republican system of education." The next year the convention demanded the establishment of free libraries in towns and cities "for the use and benefit of mechanics and workmen."

Labor never tired of pointing out the deficiencies in the educational system then existing. It called attention to the fact that public schools were frankly for the poor alone, and for the pauper poor at that. Such an ideal of education had a charitable flavor odious to American workmen and inconsistent with democratic preten-

sions. . . . It left the great mass ignorant even of elementary matters, there being 1,000,000 child illiterates in the country in 1833, New York alone having 80,000 of them. The Pennsylvania workers stated that in their whole commonwealth outside of Philadelphia, Pittsburgh, and Lancaster, no public education existed and that in those cities pauperism was its only foundation. . . . The public school system advocated by them was to be supported by public taxation and to be extended to all classes alike so that no pupil need be labeled a pauper in order to obtain an elementary education.

Such a universal educational program, the early workers regarded as a panacea for all ills. . . .

Results of Labor's first political experiment.—The results of this first period of political agitation on the part of labor are difficult to trace in full. Many a positive outcome was seen, however, as measure after measure advocated by labor was eventually enacted into law by the state legislatures. Imprisonment for debt was abolished. The ten-hour day was accepted. The foundation of popular education was soon laid, and a magnificent public school system became in time the object of interest and pride in all parts of the country. Other reform measures steadily gained favor in the public eye. When the history of American law-making is written, it will be found that the invasion of labor into the field of political philosophy and action in the twenties and thirties was a powerful factor in shaping the course of legislation.

As to success at the polls, the labor movement had several victories to its credit. It elected many legislators and aldermen; it forced the old parties in some instances to nominate candidates acceptable to the labor party; it exerted a *decided influence on the writing of the platforms* of the other parties; it forced the politicians to give more attention to the matter of conciliating labor; it enabled many labor leaders to win a position of power in the councils of the old parties.

Nevertheless this political outburst proved to be temporary. It opened in 1827 and within five years had almost died away, at least as far as the nomination of candidates was concerned. In many campaigns labor candidates were defeated. At best, the results were local, temporary, and expensive in time, money and effort. The vote was a new weapon to most workmen, and the immediate results were disappointing to their large hopes for some panacea. The slings

and arrows which their opponents and the conservative press used against them were too strong for beginners in the art of political management. They were continually disconcerted by the politicians who used every conceivable weapon to weaken their influence. Their meetings were broken up by hoodlums arrayed by the politicians and in some cases by city officials. Seeds of dissension were sown in their ranks; they were deceived by flattery, frightened by threats, intimidated by abuse, lured away by promises of office and position. In the discussion of political and economic theories, their ranks were badly broken and their power in economic bargaining with their employers materially reduced. At all events after a few years' emphasis on politics, labor turned again to the field of industrial bargaining where simpler propositions relative to hours and wages involved few abstruse theories or doctrines.

RETURN TO DIRECT INDUSTRIAL ACTION

The effect of politics on labor unions.—Politics had swept away much of the machinery of the trade unions. A class movement had almost entirely superseded the trade and craft union movement. The Union of Mechanics of Philadelphia, for example, which had, in 1827, fifteen trade societies in its organization, had shrunk to four societies. Organization of workmen by wards and counties had taken the place of craft societies. The experience of Philadelphia was in a greater or lesser degree the experience in other cities. Hence labor leaders, when they turned away from politics to industrial action, had much of their work to do over.

New economic conditions to face.—During the years of political agitation, the growth of the manufacturing system had filled industry with young apprentices who were insufficiently trained and were undercutting in wages. Women also were invading industry, with the rise of the factory system. In 1837 there were about one hundred occupations in which women were engaged, working usually for small wages and long hours. . . . In addition to the invasion of women and children, there was the invasion of the immigrants coming in ever increasing numbers to our shores. In 1832, Seth Luther, of Providence, R. I., who was one of the first to advocate legislation for the benefit of labor, charged that manufacturers sent "agents to Europe to induce foreigners to come here, to underwork American citizens, to support American industry and the

American system." Prison labor competition, the wholesale buying and selling, and the division of work that resulted from machine inventions to reduce skill itself all played their part in building up an economic labor movement.

Rapid gains for trade unionism.—Although face to face with hard problems, the organizers of labor unions made steady progress during the thirties, helped by high prices and fiat money. By 1836 Philadelphia had fifty-three trade unions; . . . Baltimore, twenty-three, and New York, fifty-two. It was then estimated that union membership in the seaboard cities amounted to 300,000. In the meantime gains were made in the organization of the women industrial workers. The men and women in the needle trades of Baltimore formed a joint society in 1835. In the same year the Female Improvement Society of the City and County of Philadelphia was formed, including seamstresses, tailors, binders, milliners, and other trades. In each trade a committee was formed which drew up a wage scale and won its acceptance by the manufacturers. Women bookbinders in New York and shoe-binders at Lynn, Massachusetts, organized.

The establishment of central labor bodies.—As organization advanced by leaps and bounds in the individual trades, there developed a labor movement of wider significance—namely, the combination of the trade unions of a single city into central bodies for financial and moral support during strikes. These central bodies repudiated political action and bent to the task of controlling the trades in such a way as to improve their own economic conditions. . . .

Attempts at national union.—The labor movement of the thirties tried to reach out toward still wider and more effective combinations through a national organization of local unions. An attempt in this direction was made in 1834 in New York City when a convention was called from all parts of the country "to advance the moral and intellectual condition and pecuniary interests of the laboring classes, promote the establishment of trades unions in every section of the United States; and also to publish and disseminate such information as may be useful to mechanics and workmen generally; and to unite and harmonize the efforts of all the productive classes of the country." Trade unionists from the leading cities came together in a similar convention for similar purposes for two succeeding years before they realized that their attempt to consolidate the workers of the nation was premature. They were finally convinced

that better groundwork would have to be laid in local and city organizations before the national movement could become powerful and permanent.

Attempts to unify single trades on a national scale.—Astute leaders saw that before a national movement built upon the union of all workingmen could be founded, a number of separate craft organizations had to be developed; that is, each trade had to have its local branches in all manufacturing centers and these local branches had to be federated into a national union of the craft. Local unions of specific trades in each city had to precede the union of unions, or the city federation. In the same way a national union of all unions of the single craft had to precede the national union of all trade unionists. This first secure step toward nationalism was taken as the inevitable result of: (1) the attempt of employers to ship their work from organized to unorganized centers in times of strikes or high wage demands; and (2) the rapid growth of manufacturing in new centers. Craft union leaders responded quickly to these forces. During 1835-36, no less than five separate crafts or trades held national conventions of their own. These were the cordwainers, printers, comb makers, carpenters, and hand loom weavers. The growth of the railway facilitated correspondence and travel and made national conventions possible even for workingmen with small means.

Strikes and legal battles.—This burst of new unionism was accompanied, as may be imagined, by demands for higher wages and by strikes. Prices were rising with industrial prosperity and in every great industrial center workingmen were pressing their demands upon their employers. These demands were met by determined resistance on the part of manufacturers who were now better organized themselves and equipped with large funds to protect themselves against the unions.

In this wider swing, the unions also encountered again prosecutions for conspiracies in restraint of trade. Indeed a systematic effort was made to crush the unions during the years from 1829 to 1842 when there were at least eight important prosecutions for criminal conspiracy. In some trials, the workers won and in others they lost, but the inevitable agitation over the action of the courts followed. The newspapers were filled with discussions of the cases. The *New York Journal of Commerce* took the regulation employers' attitude; that trade unions injured trade and commerce, that they were not needed

in this country, and that they merely represented foreign influences. The *New York Evening Post*, on the other hand, declared that "men must shut their eyes to events passing around them if they think it is a few foreigners or only foreigners that comprise our trade unions. It is a low calculation when we estimate that two-thirds of the workingmen in this city, numbering several thousand persons, belong to it." The official organ of the Trades Unions saw nothing but tyranny in a decision of the court against labor: "If an American judge will tell an American jury that these barriers which the poor have thrown up to protect themselves from the gnawing avarice of the rich are unlawful, then are the mechanics justified the same as our Fathers were justified in the days of revolution in 'Arming for Self-Defense.'" This was the signal for another battle in politics and at the polls.

INDUSTRIAL PANIC, POLITICAL ACTION, AND UTOPIAS

The Great Panic of 1837.—The new unionism had not gone far on the road away from political action to industrial action before a severe industrial crisis broke in upon prosperity. In 1837 the whole financial system of the United States collapsed. England was in the throes of industrial distress at the same time and called upon American debtors, particularly the United States Bank, to pay their debts. Thus American credit was shaken to the foundation. Unable to dispose of their cotton cloth, the Northern mills shut down and closed their warehouses. To cap it all the wheat crop failed and the prices of food-stuffs soared. Wages were cut on all sides, plants were closed and workers turned out to starve. No less than 618 banks failed during the year. Whole towns like Haverhill, Massachusetts, utterly dependent upon a single industry, like the shoe industry, found their streets filled with unemployed begging for bread. Seamen, dock laborers, skilled mechanics, day laborers, all classes of workingmen and women were involved.

Effect of the panic on unions.—The effect of this industrial disaster on trade unions was instantaneous. Where union leaders were not condemned as conspirators for organizing workmen, they found themselves powerless to hold together unemployed men for the purpose of maintaining wages. They were forced, in spite of themselves, to accept reduced wages if employed, because everywhere outside of the plants there

were hungry workers ready to take their places in case they struck. Out of work and out of funds, the unions fell to pieces. The remedy which the leaders offered seemed to starving workmen no remedy at all. Locals, city federations, and national craft unions all felt the depression. A few of them by desperate struggles survived the storm; but the labor press disappeared and there are left scant records of those troublous days to tell the story of the disaster that befell trade unionism.

The swing to politics again.—The almost complete destruction of the unions left the labor field once more to the reformers, politicians, and "intellectuals" who had other cures for the evils that beset labor. Although many labor men, in this period, turned to plans for forming co-operative societies of workmen and to futile experiments with the communist land colonies, it was politics and reform that occupied the center of the stage. Suffering from the ravages of a panic, the workers sought a remedy for that disease. They found that hundreds of railway, gas, coal, banking, turnpike, and bridge companies had been chartered in recent years, and so they concluded that such monopolies were the chief cause of their troubles. They declared that the monopolies drove employers, master mechanics, and small tradesmen out of business. As many of these companies made a practice of paying their employees in notes that had to be cashed at banks at a considerable discount, all the corporations and the banks came in for a full share of denunciation on the part of labor. . . .

The political movement of the panic period was directly connected with the older political efforts in New York. Indeed, in 1835, the workmen of that state had held a convention attended by ninety-three delegates and had formed a political party "separate and distinct from all existing parties and factions in this state." They rallied to their new party (nicknamed "The Loco-Focos") a considerable force and put into the field a complete county, state, and congressional ticket. They were able to defeat the local Democratic organization, Tammany Hall, in a spirited campaign, making their drive mainly on the monopolies and banks. By this radical action they divorced Tammany from the financial and aristocratic elements of New York City and forced it to rely henceforth mainly upon the labor vote for its strength.

This political movement spread to Pennsylvania. . . . The movement, however, exhausted

itself in local politics and did not emerge into the field of national issues.

The outburst against the alien.—The unemployment, or "over-supply" of labor, which resulted from the panic of 1837, also revived the old feeling of native Americans against European immigrants. Notwithstanding the economic distress in America the stream of immigration increased almost steadily from year to year. In 1847 over 80,000 aliens arrived, and seven years later the number reached 427,000, to the great alarm of native workingmen. As many of the newcomers were Irish Catholics, labor leaders were worried lest an attack be made upon their new public school movement in the interests of religious schools. In 1847 a Native American party was formed to uphold Americanism against alien influence. It won some labor support and elected a few members of Congress from New York and Pennsylvania. A presidential candidate was also put forward in 1856 and a large vote was polled in the industrial states as well as the South and West. This movement made no deep impression upon labor politics and was without lasting significance in the labor world.

Labor and the public lands.—During the period of industrial depression and unemployment the attention of labor was forcibly drawn to the opportunities for independence offered by the public lands of the West which awaited settlement. In 1840, George Henry Evans, who had been prominent in the labor political movement in New York, published his *Origin and Progress of the Working Men's Party in New York*, and began to advocate the division of the land among the people on the ground that it was the gift of nature and belonged of right to all. Not long afterward he formed an "Agrarian League," with the avowed object of stopping the sale of public lands to companies and speculators and securing the apportionment of the lands in farms and small lots among actual settlers without charge. The idea was taken up all over the country and given various forms. At last it was made a national issue, winning the support of the Republican party in 1860 and bearing fruit in the enactment of the famous Free Homestead law of 1862.

Prominent labor leaders served on the committees of the agrarian party and were influential in directing the attention of the country to land reform. . . .

Socialistic theories.—About the same time that the agrarians attached themselves to the

labor movement, another strong group of reformers appeared on the horizon: the Utopian Socialists, followers of the great French leader, Fourier, who was introduced to America by Albert Brisbane in his book on the *Social Destiny of Man*, published in 1840. Sponsors for this new appeal to labor denied the theory of the class struggle against employers and laughed at political action on the part of labor. For the capitalist system of production and the isolated farm, the Fourierists proposed to substitute the communist colony in which labor would be associated with science and all things would be owned in common. Prominent intellectuals in the country like Horace Greeley, Charles A. Dana and John G. Whittier, moved by the poverty and misery of the masses, took up with this radical idea. Papers were founded, sermons preached, lecturers sent through the country, and many communities organized with Brook Farm as the model. None of them lasted very long.

This "utopian" socialistic scheme, as it is called, did not prove attractive to labor although it was widely discussed in labor circles. Trade unionists were not revolutionists. They did not want to found Fourierist colonies. They preferred to win concessions from employers in the form of shorter hours and better wages, and protective laws to cover their organizations. Neither did the regular unionist take kindly to co-operative and profit-sharing schemes which the "intellectuals" offered them as panaceas. They had no capital to embark on production on their own account, and they were suspicious of profit sharing. They were, however, constantly beset on every hand by the exponents of new and radical ideas and considerable energy continued to be diverted from the organization and management of unions into disputes over economic theories and land reform. . . .

Industrial prosperity revives unionism. — In the late forties, industry was thoroughly revived: fires were lighted, wheels turned, and the machinery of production was set in motion. The effect of the discovery of gold in California was magical. Manufacturers drove ahead with new zeal, producing goods in vaster supplies than ever before. With opening trade, the demand for labor increased and the prices of commodities rose. This was just the opportunity for labor unions of the regular type. Promptly shedding most of the theories that had agitated them in the idler days of unemployment, they took up again the routine of organization with enthusiasm. "The skilled trades settled down to the cold business of getting more pay for themselves by means of permanent and exclusive organizations. Here begins that separation from common labor which eventually was to raise the pay of the skilled mechanic far above the level of immigrant competition and to distinguish American unionism from that of any other country. Instead of experiments in co-operation or leadership by humanitarians who now find rules for apprenticeship, the closed shop, minimum wage, time and method of payment, initiation fees, dues, funds for strike benefits, union employment offices and the exclusion of employers, politicians and friends of labor not actually working at the trade."

The old locals that had not perished in the panic of 1837 took on renewed life, new locals were established as industry spread, and new national unions of specific trades were founded. The Typographical Union created a national organization, holding a national convention in 1850 and perfecting its plans. Seven years later the Moulders' International Union and the national union of Machinists and Blacksmiths were organized. The Stone Cutters entered the national field in 1853, and the Hat Finishers the next year. . . .

Chapter Twelve

The Fervor of Reform, 1820-1860



Southern Slave-Holders Break the Postal Laws

THE YEARS FROM 1820 TO 1860 were restless, transitional ones for Americans in both a mental and physical sense. In established communities families deserted their old homesteads and headed west. Annually they were joined by thousands of immigrants from Europe, all looking for new and happier lives. Evangelical religions, with their emphasis on each person's responsibility for his own soul, unconsciously sowed the seeds which led to spiritual discontent. As a result groups split away from the older churches, and new sects, such as Mormonism, sprang up. A new political departure, Jacksonian democracy, was generated to a great extent by the westward spread of population. It reflected the growing confidence in the worth of democracy and the common man as it preached equality for all in duties of citizenship and rewards of public office.

The philosophy of the age challenged traditional concepts and institutions and encouraged experimentation with new theories and humanitarian reforms. Standards of living improved with a number of important inventions and initial labor organizations brought about better

working conditions in some industries. The average American after long years of frontier life was a self-confident man of unlimited and often undirected enthusiasm. But while he had almost complete faith in himself and his country, he was not quite sure that either was perfect. The gospel of reform was sweeping Europe, and he wondered if America could afford to follow in the march of progress instead of leading it.

A mere glance showed many conditions in need of reform. Millions of Negroes wore the bonds of slavery in the South. Could the United States be less zealous for their freedom than the leading nations in Europe? Then there was the problem of spirituous liquor and its effect on the home and family. And the position of women, who, at best, were their husbands' servants and, at worst, their slaves. Could a Christian and patriotic citizen tolerate the conditions which existed in the prisons, pesthouses and asylums for the poor? The United States had to throw off the shackles of the past, said the reformer, if it were to live up to its destiny.

I

The Rights of the Negro

AT THE TIME OF THE REVOLUTION slavery was on the road to extinction in the states north of Delaware; but in 1790 there were still some 600,000 bondsmen in the United States, the major portion in the South. Some influential southerners, including Thomas Jefferson, urged the end of the system and many viewed it as an evil, though perhaps a necessary one. In the North, where slaves were few, their freedom was easily obtained. But the sheer magnitude of numbers overwhelmed the South. What to do with the freed Negro presented a great problem and was the primary reason for opposing immediate abolition. So the southerners did nothing and the North did not push the matter, feeling that time would solve the dilemma.

About 1800, however, a new factor, cotton, entered the picture. Whereas slavery had been decreasing in economic importance, the demand for cotton and the ensuing demand for labor made slaves appear even more necessary. So necessary, in fact, that planters soon began questioning if slavery were an evil. One obvious conclusion stood out — time was not solving the problem. As one civilized nation after another abolished slavery, the demands that the United States follow suit became more insistent.

1. SEND THE NEGRO BACK TO AFRICA

In an attempt to solve the question of what to do with freed Negroes, a group consisting primarily of slave owners from Virginia, Maryland and Kentucky, formed the American Colonization Society. After working privately for ten years it sought Congressional aid in establishing a settlement in Africa. All of the northernmost slave states passed favorable resolutions for the proposal, but the cotton states refused, insisting that even more bondsmen were needed. The story of this plan and its ultimate failure is told in the following selection.¹

IN 1815 NEW ENGLAND recognized the evil of slavery to be a national evil. New England felt the responsibility of helping, not driving, the South to get rid of that institution. Cooperation, not antagonism, was to be the means employed by each section in its relations with the other. To the upper South slavery was a *problem*, because it had grown to be one of those underlying bases in the economic life of the South; because its immediate abolition would mean, in many cases, a sudden change from affluence to poverty;

because it was sincerely believed that the sudden emancipation of many thousands of slaves in the South would be an added cruelty to the class of improvident free negroes; because of the very fact that the liberation of one slave meant the addition of one free negro. For the free negro was also a problem. He was a problem because of the instances in the mind of every tolerably read Southerner, of outrages and insurrections of the blacks against the whites, in countries in which the population of each was not greatly unequal; because of the opinion that prevailed in every part of the Union that the negro could never rise to the limit of his possibilities so long as he remained in this country; because in his degraded condition he was a source of danger, only and always, to the community in which he lived. These were the problems, and together they made up the great negro problem of that time. There were four solutions proposed: (1) the immediate and unconditional abolition of slavery; (2) the perpetuation of slavery as long as possible; (3) the policy of non-interference with the natural course of events; (4) colonization.

... Unquestionably, the one supposed solution to which the leaders of thought in every part of the Union, except possibly the extreme South, turned was that of colonization. The free negro would be transported to the land whence his fathers came: the danger from the alarming in-

¹ E. L. Fox, "The American Colonization Society, 1817-1840," Johns Hopkins University, *Studies in Historical and Political Sciences*, Series XXXVII, No. 3, pp. 41-47, 142-144, 210-211. Used by permission of Johns Hopkins Press

crease in the free negro population would vanish as ghosts vanish with the coming of the morning; slave-holders could then safely and gradually emancipate their slaves, and the negro problem would be solved. And now let us consider the channel through which the experiment was made.

As a result of the efforts of the brothers-in-law, Rev. Robert Finley of New Jersey, and Dr. E. B. Caldwell of Washington, a meeting was held in that city December 16, 1816. The general purpose was the discussion of negro colonization. Bushrod Washington presided, and among the speakers were Henry Clay and John Randolph of Roanoke. Five days later a second meeting was held, presided over by Clay. Among resolutions adopted, the following is of interest:

The situation of the free people of colour in the United States has been the subject of anxious solicitude, with many of our most distinguished citizens, from the first existence of our country as an independent nation; but the great difficulty and embarrassment attending the establishment of an infant nation when first struggling into existence, and the subsequent great convulsions of Europe have hitherto prevented any great national effort to provide a remedy for the evils existing or apprehended. The present period seems peculiarly auspicious to invite attention to this important subject, and gives a well grounded hope of success. The nations of Europe are hushed into peace; unexampled efforts are making in various parts of the world to diffuse knowledge, civilization, and the influence of the Christian religion. . . . Desirous of aiding in the great cause of philanthropy, and of promoting the prosperity and happiness of our country, it is recommended by this meeting, to form an association or Society for the purpose of giving aid and assisting in the colonization of the free people of colour in the United States.

E. B. Caldwell, John Randolph, Richard Rush, General Walter Jones, Francis Scott Key, Robert Wright, James H. Blake, and John Peter were appointed to present a memorial to Congress, requesting federal aid in procuring territory in Africa or elsewhere for the carrying out of their design; Key, Washington, Caldwell, James Breckenridge, Gen. Walter Jones, Rush, and W. G. D. Worthington were appointed to prepare a constitution and rules.

At a third meeting, December 28, there was adopted a constitution, in which the sole object of the organization was stated to be "to promote and execute a plan for colonizing (with their

consent) the Free People of Colour residing in our country, in Africa, or such other place as Congress shall deem most expedient. And the society shall act to effect this object, in cooperation with the General Government, and such of the States as may adopt regulations upon the subject."

. . . Colonizationists believed that a general, immediate, and unconditional emancipation of all the slaves in the Union was impracticable and undesirable: impracticable (1) because there was no constitutional right of the federal government to enact a general emancipation provision, (2) because the States alone having the right to pass emancipation measures would do so only as the public sentiment of each slave State became favorable to emancipation, (3) because public sentiment in the slave States was not yet favorable; undesirable (1) because it was believed that three millions of negro slaves set free at one time would be unable to care for themselves, and would be more wretched than under a system of slavery, (2) because the so-called free negro was not in any true sense free, and it was believed would not become really free until he was taken back to his native country and there, under the supervision of sympathetic governors, was taught self-sustenance and self-government, (3) because of the danger of a race war in the States of the lower South. They recognized slavery to be an evil. The remedy for it they believed to be gradual emancipation, made practicable through (1) cooperation between the different sections of the Union, (2) the education of slaveholders, (3) and the transportation of those manumitted or emancipated. They hoped and believed that such States as Maryland, Virginia, Kentucky, and Tennessee would enact general emancipation measures within a period of time not very remote, and that with these States free, the rest would follow, as the success of emancipation and transportation combined was demonstrated. They hoped to exert a powerful *moral* influence in favor of emancipation, but were opposed to the use of *illegal* means or means whose result might be to involve the sections in civil war, or bring about the dissolution of the Union. The gradual abolition of slavery was not to be an incidental object of the Society. It was to be one of the two direct, distinct, and primary objects: (1) to give real freedom to the nominally free American negro, by returning him to his native land and there encouraging his highest development, (2) to exert the most powerful *moral* pressure consistent with national peace and unity in

favor of an emancipation as rapid as practicable, and both universal and absolute.

From its origin, the Society used with eagerness every opportunity to secure the liberation of slaves by offering to transport them to the colony, unless the condition of its treasury was such that it could not afford the expenditure. When slaveholders wrote for advice as to the disposition of their slaves, as they often did, the Society consistently advised the emancipation of those in bondage, unless the case involved some peculiar circumstance. There has been found on the records of the Society no instance in which the organization ever assisted a slaveholder to retain the possession of slaves whose right to liberty was called into question. There are a number of instances in which the Society intervened in suits to secure the liberty of slaves, the total number involved running up into the hundreds. After 1839 the organization became more aggressively anti-slavery. Abandoning its former position—the use of moral suasion to bring about gradual emancipation—it became, in many respects, a moderate abolition society. During this latter period it would send throughout the land reports on the number of slaves offered to it, on condition that it would transport them, and would directly appeal for funds to secure the liberation of the negroes. . . .

The problem was not the difficulty in securing the emancipation of slaves or the want of inclination to encourage emancipation, but the want of funds to carry out their benevolent designs. If the Society had had the means it could have secured thousands more of the slaves of the South and could have made them freemen; and those who measure the work and influence of that organization by the actual number of slaves transported have gotten a very inadequate conception of its influence or its usefulness. The need of funds in the sending out of the expedition just spoken of [1848] is but one of many examples that might be presented to show the inability, for want of funds, to meet its opportunities. If the States north of Mason and Dixon's line had offered as much money in cash as the States south of that line offered in slaves, leaving out of account the many thousands of dollars contributed in cash to the treasury of the Society from the slaveholding States themselves, the statistics of emancipations would be written in quite different figures. Or if the influence of the Society were even measured by the number of slaves offered to it, rather than by the limited

number it was able to transport, those figures would still require radical revision.

But taking the figures as they are, by 1830 over two hundred of the slaves freed and sent out to Liberia had been emancipated by their masters for the express purpose of emigration to the colony. In 1841 Gurley wrote that the Society "has secured the voluntary manumission of Slaves, (about 2000) in value (viewed as property) nearly, if not quite equal to the whole amount of funds given for the establishment of Liberia; while its influence to prepare for future emancipations it were difficult to estimate." Wilkeson estimated the proportion of emancipated slaves to free negroes taken to the colony as more than one for one. By the beginning of 1855, about 3600 slaves had been actually emancipated with a view to their settlement in Liberia. By the time the Society was fifty years old (1867) the number of slaves actually emancipated and sent to the colony was about 6000.

2. THE NEGRO MUST BE FREED

*Prior to 1830 abolitionist societies and newspapers conducted quiet campaigns designed to educate the people to a gradual end of slavery and voluntary release of slaves by their masters. While the British were abolishing slavery throughout the empire, the American movement became militant and demanded immediate, uncompensated emancipation, regardless of consequences or laws. One of the leaders, William Lloyd Garrison, founded a newspaper, the Liberator, in 1831. In 1833 the extremist American Anti Slavery Society was established and set forth its cause in a "Declaration of Sentiments."*²

THE CONVENTION ASSEMBLED in the city of Philadelphia, to organize a National Anti-Slavery Society, promptly seize the opportunity to promulgate the following Declaration of Sentiments, as cherished by them in relation to the enslavement of one-sixth portion of the American people.

More than fifty-seven years have elapsed since a band of patriots convened in this place to devise measures for the deliverance of this country from a foreign yoke. The cornerstone upon which they founded the Temple of Freedom was broadly this—"that all men are created equal;

² W. P. Garrison and F. J. Garrison, *William Lloyd Garrison* (New York: Century Company, 1885), I, pp. 408-412. Used by courtesy of Appleton Century Crofts, Inc.

that they are endowed by their Creator with certain inalienable rights; that among these are life, LIBERTY, and the pursuit of happiness." At the sound of their trumpet-call, three millions of people rose up as from the sleep of death, and rushed to the strife of blood; deeming it more glorious to die instantly as freemen, than desirable to live one hour as slaves. They were few in number—poor in resources; but the honest conviction that Truth, Justice, and Right were on their side, made them invincible.

We have met together for the achievement of an enterprise without which that of our fathers is incomplete; and which, for its magnitude, solemnity, and probable results upon the destiny of the world, as far transcends theirs as moral truth does physical force.

In purity of motive, in earnestness of zeal, in decision of purpose, in intrepidity of action, in steadfastness of faith, in sincerity of spirit, we could not be inferior to them.

Their principles led them to wage war against their oppressors, and to spill human blood like water, in order to be free. Ours forbid the doing of evil that good may come, and leads us to reject, and to entreat the oppressed to reject, the use of all carnal weapons for deliverance from bondage; relying solely upon those which are spiritual, and mighty through God to the pulling down of strongholds.

Their measures were physical resistance—the marshalling in arms—the hostile array—the mortal encounter. Ours shall be such only as the opposition of moral purity to moral corruption—the destruction of error by the potency of truth—the overthrow of prejudice by the power of love—and the abolition of slavery by the spirit of repentance.

Their grievances, great as they were, were trifling in comparison with the wrongs and sufferings of those for whom we plead. Our fathers were never slaves—never bought and sold like cattle—never shut out from the light of knowledge and religion—never subjected to the lash of brutal taskmasters.

But those for whose emancipation we are striving—constituting at the present time at least one-sixth part of our countrymen—are recognized by law, and treated by their fellow-beings, as marketable commodities, as goods and chattels, as brute beasts; are plundered daily of the fruits of their toil without redress; really enjoy no constitutional nor legal protection from licentious and murderous outrages upon their persons; and are ruthlessly torn asunder—the

tender babe from the arms of its frantic mother—the heart-broken wife from her weeping husband—at the caprice or pleasure of irresponsible tyrants. For the crime of having a dark complexion, they suffer the pangs of hunger, the infliction of stripes, the ignominy of brutal servitude. They are kept in heathenish darkness by laws expressly enacted to make their instruction a criminal offence.

These are the prominent circumstances in the condition of more than two millions of our people, the proof of which may be found in thousands of indisputable facts and in the laws of the slave-holding States.

Hence we maintain—that, in view of the civil and religious privileges of this nation, the guilt of its oppression is unequalled by any other on the face of the earth; and, therefore, that it is bound to repent instantly, to undo the heavy burdens, and to let the oppressed go free.

We further maintain—that no man has a right to enslave or imbrute his brother—to hold or acknowledge him, for one moment, as a piece of merchandise—to keep back his hire by fraud—or to brutalize his mind, by denying him the means of intellectual, social and moral improvement.

The right to enjoy liberty is inalienable. To invade it is to usurp the prerogative of Jehovah. Every man has a right to his own body—to the products of his own labor—to the protection of law—and to the common advantages of society. It is piracy to buy or steal a native African, and subject him to servitude. Surely, the sin is as great to enslave an American as an African.

Therefore we believe and affirm—that there is no difference, in principle, between the African slave trade and American slavery:

That every American citizen who retains a human being in involuntary bondage as his property, is according to Scripture (Ex. xxi. 16), a man-stealer:

That the slaves ought instantly to be set free, and brought under the protection of law:

That if they had lived from the time of Pharaoh down to the present period, and had been entailed through successive generations, their right to be free could never have been alienated, but their claims would have constantly risen in solemnity:

- That all those laws which are now in force, admitting the right of slavery, are therefore, before God, utterly null and void; being an audacious usurpation of the Divine prerogative, a daring infringement on the law of nature, a base

overthrow of the very foundations of the social compact, a complete extinction of all the relations, endearments and obligations of mankind, and a presumptuous transgression of all the holy commandments; and that therefore they ought instantly to be abrogated.

We further believe and affirm—that all persons of color who possess the qualifications which are demanded of others, ought to be admitted forthwith to the enjoyment of the same privileges, and the exercise of the same prerogatives, as others; and that the paths of preferment, of wealth, and of intelligence, should be opened as widely to them as to persons of a white complexion.

We maintain that no compensation should be given to the planters emancipating their slaves:

Because it would be a surrender of the great fundamental principle, that man cannot hold property in man;

Because slavery is a crime, and therefore is not an article to be sold;

Because the holders of slaves are not the just proprietors of what they claim; freeing the slave is not depriving them of property, but restoring it to its rightful owner; it is not wronging the master, but righting the slave—restoring him to himself;

Because immediate and general emancipation would only destroy nominal, not real, property; it would not amputate a limb or break a bone of the slaves, but, by infusing motives into their breasts, would make them doubly valuable to the masters as free laborers; and

Because, if compensation is to be given at all, it should be given to the outraged and guiltless slaves, and not to those who have plundered and abused them.

We regard as delusive, cruel and dangerous any scheme of [colonization] expatriation which pretends to aid, either directly or indirectly, in the emancipation of the slaves, or to be a substitute for the immediate and total abolition of slavery.

We fully and unanimously recognize the sovereignty of each State, to legislate exclusively on the subject of the slavery which is tolerated within its limits; we concede that Congress, under the present national compact, has no right to interfere with any of the slave States in relation to this momentous subject:

But we maintain that Congress has a right, and is solemnly bound to suppress the domestic slave trade between the several States, and to abolish slavery in those portions of our terri-

tory which the Constitution has placed under its exclusive jurisdiction.

We also maintain that there are, at the present time, the highest obligations resting upon the people of the free States to remove slavery by moral and political action, as prescribed in the Constitution of the United States. They are now living under a pledge of their tremendous physical force, to fasten the galling fetters of tyranny upon the limbs of millions in the Southern States; they are liable to be called at any moment to suppress a general insurrection of the slaves; they authorize the slaveowner to vote for three-fifths of his slaves as property, and thus enable him to perpetuate his oppression; they support a standing army at the South for its protection; and they seize the slave who has escaped into their territories, and send him back to be tortured by an enraged master or a brutal driver. This relation to slavery is criminal, and full of danger: **IT MUST BE BROKEN UP.**

These are our views and principles—these our designs and measures. With entire confidence in the overruling justice of God, we plant ourselves upon the Declaration of our Independence and the truths of Divine Revelation, as upon the Everlasting Rock.

We shall organize Anti-Slavery Societies, if possible, in every city, town and village in our land.

We shall send forth agents to lift up the voice of remonstrance, of warning, of entreaty, and of rebuke.

We shall circulate, unsparingly and extensively, anti slavery tracts and periodicals.

We shall enlist the pulpit and the press in the cause of the suffering and the dumb.

We shall aim at a purification of the churches from all participation in the guilt of slavery.

We shall encourage the labor of freemen rather than that of slaves, by giving preference to their productions: and

We shall spare no exertions nor means to bring the whole nation to speedy repentance.

Our trust for victory is solely God. We may be personally defeated, but our principles never! Truth, Justice, Reason, Humanity, must and will gloriously triumph. Already a host is coming up to the help of the Lord against the mighty, and the prospect before us is full of encouragement.

Submitting this Declaration to the candid examination of the people of this country, and of the friends of liberty throughout the world, we hereby affix our signatures to it; pledging our-

selves that, under the guidance and by the help of Almighty God, we will do all that in us lies, consistently with this Declaration of our principles, to overthrow the most execrable system of slavery that has ever been witnessed upon earth; to deliver our land from its deadliest curse; to wipe out the foulest stain which rests upon our national escutcheon; and to secure to the colored population of the United States all the rights and privileges which belong to them as men and as Americans — come what may to our persons, our interests, or our reputations — whether we live to witness the triumph of Liberty, Justice, and Humanity, or perish untimely as martyrs in this great, benevolent and holy cause.

Done at Philadelphia, the 6th day of December, A.D. 1833.

3. NORTHERN REACTION TO ABOLITIONISM

Not all northerners demanded freedom for the slaves or approved of Garrison and his abolitionists. Indeed, many conservatives abhorred the intemperance of their attacks. To others the abolitionists were interfering with peaceful commercial relations and threatening political alliances. At any cost they should be silenced. T. L. Nichols, a contemporary, described the reaction of a Boston mob to Garrison and his tactics.³

BALTIMORE HAS BEEN CALLED the City of Mobs. I never chanced to see one in that beautiful city of "my Maryland," but I once "assisted" at a mob in Boston, of a somewhat remarkable character.

It was, I think, in 1834. George Thompson had been sent to America to preach Abolition. He had given lectures in and around Boston, and the newspapers of the South were beginning to protest against an agitation which was increased by the addresses of this emissary of a foreign society. The merchants of Boston were aroused to the dangers of such an agitation, which, it was then believed by many, would eventually cause a dissolution of the Union.

Mr. Garrison, who published the *Liberator* in an office in the lower end of Washington-street, did not care much for that. He said, in his mild way, the "Constitution was agreement with Death, and a covenant with Hell," and that all slaveholders were thieves, robbers, murderers, and other disreputable things, too numer-

ous to mention. He wished to abolish slavery; and failing that, to turn the Southern States out of the Union.

The merchants of Boston, whose fathers had, like the merchants of Liverpool and Bristol, made fortunes by the slave-trade — the merchants who were then making fortunes by Southern trade and manufacture of cotton, were opposed to the agitation. They were indignant that the English, who had planted slavery in America; who had forced negroes on the colonies in spite of their protests against them; who had fostered and extended slavery since the War of Independence, by becoming the greatest consumers of the products of slave-labour in the world — that these English, who had been partners with the South in the profits of slavery, should send emissaries to stir up sectional strife, perhaps civil war, between the States of the Union.

At that day Abolitionists in Boston and in New England were few and far between. Garrison's most earnest supporters were a few women — Mrs. Child, Mrs. Chapman, and others — good pious souls, who formed a female Anti-Slavery Society, and held prayer meetings for the slave.

The merchants and bankers of Boston, assembled on 'Change in State-street, got into a great excitement one day about Mr. George Thompson — since M.P. from the Tower Hamlets, agent for various Indian princes, temperance orator, &c., — and believing him to be at the office of Garrison's *Liberator*, they gathered tumultuously, and came around from State-street into Washington-street, determined to put a stop to the eloquence of the English Abolitionist.

I do not remember how it happened, but I was in the editorial office of Mr. Garrison when the crowd began to gather in the street below. It was a wonderful spectacle. There were hundreds — then thousands. It was a mob of people dressed in black broadcloth; a mob of gentlemen — capitalists, merchants, bankers; a mob of the Stock Exchange, and of the first people of Boston, which then, as now, considered itself the nicest of cities, and intellectually the "hub of the universe."

I looked down upon this mob from the front window of the second floor, while the street became black with a dense crowd of people shouting, "Thompson! Thompson!" and very evidently intending mischief to that gentleman had they found him. Mr. Garrison was writing at his desk. He was very calm about it; he had been

³ T. L. Nichols, *Forty Years of American Life, 1821-1861* (New York: Stackpole Sons, 1937), 84-88. Used by permission of The Telegraph Press, Harrisburg, Pennsylvania.

in a state of chronic martyrdom for several years, and did not seem to mind a slight exacerbation. He came to the window, however, poked his shining bald head out for a moment, and looked down on the howling mob below; and then advised me not to expose myself to observation, lest the crowd might mistake me for the object of their search.

It happened that some of the ladies I have mentioned were holding a meeting in a room of the building that afternoon. They were interrupted and ordered out. They passed through the crowd, which politely made way for them; content with expressing its feelings by a few groans and hisses.

Meantime the authorities began to bestir themselves. The city marshal made a speech, begging his fellow citizens to quietly disperse, and not disgrace their great and noble city. They informed him that the man they wished to see was George Thompson. He told them he would ascertain if he was in the building, and went to Mr. Garrison, who assured him that Mr. Thompson was not in town; he had fortunately left in the morning to visit a friend in the country. The officer reported to the mob, and was answered by a howl of disappointed rage, and then a cry for Garrison! The whole fury of the crowd — of all Boston there concentrated and represented — seemed in one instant to turn upon the editor of the *Liberator*. Had they all been constant readers of his paper, they could not have been more violent.

The marshal interposed in vain. A more powerful municipal officer now made his appearance — the mayor. He was a Boston merchant — a merchant prince. How well I remember his tall handsome form, his noble features, his silvery voice, and graceful elocution. I have always thought him a man of men. True, he did not read the Riot Act; he did not bring up the police — there were none to bring. The watchmen were at home asleep, and the constables were serving writs on unwilling debtors. There was no time to call out the militia, and I have a suspicion that the flower of that force was on the spot and foremost in the mischief.

The eloquence of the Mayor was of no avail. At best he only gained a little time. At every pause in his speech the cry arose louder and fiercer for Garrison. The mob would have searched the building, or torn it down, had not the mayor given his pledge, that if Garrison was in it he should be forthcoming; but he had the moment before sent the marshal to get him out

by a backway, and, if possible, secure his escape; and when Garrison had unwillingly consented to escape the threatened martyrdom, the mayor announced that he was not in the building.

There was a great howl of rage; but, a moment after, it became a yell of triumph. Garrison had been seen to go from the building into a narrow lane behind it. Pursued, he took refuge in a carpenter's shop, only to be dragged out and carried into the midst of the mob, where it seemed for a moment that he would be torn in pieces. I saw him, his hat off, his bald head shining, his scanty locks flying, his face very pale, his clothes torn and dusty, and with a rope round his neck.

"To the Common!" shouted the mob; "to the Common!" The first thought of the whole vast crowd — all maddened as one man is mad — was to drag the poor man to Boston Common — a beautiful park in front of the State House — there to hang him upon the great elm, the "Tree of Liberty," on which Quakers had been hanged in the early Puritan days, and under which Tories had been tarred and feathered before the Revolution — to hang him upon the sacred tree, or at least to give him the traditional coat of tar and feathers. So the whole mob moved toward the Common.

But to get there they had to pass by the City Hall, in which was the mayor's office, at the head of State Street. At the moment Garrison was brought opposite that point, the mayor, with a dozen or so of strong fellows to back him, dashed into the crowd, opened it like a wedge, striking right and left, gallantly seized Garrison, and carried him triumphantly into the mayor's office. The mob surged round the building with cries of rage. The mayor came out upon a balcony, looking nobler and handsomer than ever after his exploit, and told his respected fellow-citizens when they demanded Garrison that he would shed the last drop of his blood before a hair of his head should be injured; not that he cared for him or his cause — they knew well that he sympathised with neither — but for the honour of Boston and the office he held. Then two coaches drove up to the doors of the building. The crowd was divided. A cry was raised to draw the crowd on one side, while Garrison was taken out on the other, shoved into the carriage, and the coachman lashed his horses into the crowd. They grasped the wheels to turn the carriage over; but as they seized both sides at once they only lifted it from the ground. They took out knives to cut the traces. The

driver knocked them down with the loaded handle of his whip. The spirited horses dashed forward, the mob opened, and then ran yelling after the carriage. It was too fast for them. Up Court Street, down Leverett Street. Ponderous gates swung open — the carriage dashed in. The gates closed with a bang, and Garrison was safe in Leverett Street jail, where he could hear the howling of the pack of human wolves that had pursued him.

Very early next morning, to prevent another and more dangerous riot, he was sent out of Boston to a place of concealment and safety.

4. SOUTHERN REACTION TO ABOLITIONISM

Southerners reacted violently to northern attacks upon their peculiar institution. The extreme nature of the assaults put the slave owner on the defense and soon the best brains in the South began answering the criticisms. Far from apologizing for slavery, southerners soon assumed the offensive and claimed that slavery was a positive good for master and servant. Typical of the pro-slavery attitude is the declaration given below.⁴

WE HAVE ALREADY STATED that we should not attempt to introduce any new theories of government and of society, but merely try to justify old ones, so far as we could deduce such theories from ancient and almost universal practices. Now it has been the practice in all countries and in all ages, in some degree, to accommodate the amount and character of government control to the wants, intelligence, and moral capacities of the nations or individuals to be governed. A highly moral and intellectual people, like the free citizens of ancient Athens, are best governed by a democracy. For a less moral and intellectual one, a limited and constitutional monarchy will answer. For a people either very ignorant or very wicked, nothing short of military despotism will suffice. So among individuals, the most moral and well-informed members of society require no other government than law. They are capable of reading and understanding the law, and have sufficient self-control and virtuous disposition to obey it. Children cannot be governed by mere law; first, because they do not understand it, and secondly, because they are so much under the influence of impulse, passion and appetite, that they want sufficient self-control to be deterred or governed by the distant and doubtful

penalties of the law. They must be constantly controlled by parents or guardians, whose will and orders shall stand in the place of law for them. Very wicked men must be put into penitentiaries; lunatics into asylums, and the most wild of them into straight jackets, just as the most wicked of the same are manacled with irons; and idiots must have committees to govern and take care of them. Now, it is clear the Athenian democracy would not suit a negro nation, nor will the government of mere law suffice for the individual negro. He is but a grown up child, and must be governed as a child, not as a lunatic or criminal. The master occupies towards him the place of parent or guardian. We shall not dwell on this view, for no one will differ with us who thinks as we do of the negro's capacity, and we might argue till dooms-day, in vain, with those who have a high opinion of the negro's moral and intellectual capacity.

Secondly. The negro is improvident; will not lay up in summer for the wants of winter; will not accumulate in youth for the exigencies of age. He would become an insufferable burden to society. Society has the right to prevent this, and can only do so by subjecting him to domestic slavery.

In the last place, the negro race is inferior to the white race, and living in their midst, they would be far outstripped or outwitted in the chase of free competition. Gradual but certain extermination would be their fate. We presume the maddest abolitionist does not think the negro's providence of habits and money-making capacity at all to compare to those of the whites. This defect of character would alone justify enslaving him, if he is to remain here. In Africa or the West Indies, he would become idolatrous, savage and cannibal, or be devoured by savages and cannibals. At the North he would freeze or starve.

We would remind those who deprecate and sympathize with negro slavery, that his slavery here relieves him from a far more cruel slavery in Africa, or from idolatry and cannibalism, and every brutal vice and crime that can disgrace humanity; and that it christianizes, protects, supports and civilizes him; that it governs him far better than free laborers at the North are governed. There, wife-murder has become a mere holiday pastime; and where so many wives are murdered, almost all must be brutally treated. Nay, more: men who kill their wives or treat them brutally, must be ready for all kinds of crime, and the calendar of

⁴ George Fitzhugh, *Sociology For The South* (Richmond, 1850, chapter V.).

crime at the North proves the inference to be correct. Negroes never kill their wives. If it be objected that legally they have no wives, then we reply, *that in an experience of more than forty years, we never yet heard of a negro man killing a negro woman. Our negroes are not only better off as to physical comfort than free laborers, but their moral condition is better.*

But abolish negro slavery, and how much of slavery still remains. Soldiers and sailors in Europe enlist for life; here, for five years. Are they not slaves who have not only sold their liberties, but their lives also? And they are worse treated than domestic slaves. No domestic affection and self-interest extend their aegis over them. No kind mistress, like a guardian angel, provides for them in health, tends them in sickness, and soothes their dying pillow. Wellington at Waterloo was a slave. He was bound to obey, or would, like Admiral Bying, have been shot for gross misconduct, and might not, like a common laborer, quit his work at any moment. He had sold his liberty, and might not resign without the consent of his master, the king. The common laborer may quit his work at any moment, whatever his contract; declare that liberty is an inalienable right, and leave his employer to redress by a useless suit for damages. The highest and most honorable position on earth was that of the slave Wellington; the lowest, that of the free man who cleaned his boots and fed his hounds. The African cannibal, caught, christianized and enslaved, is as much elevated by slavery as was Wellington. The kind of slavery is adapted to the men enslaved. Wives and apprentices are slaves; not in theory only, but often in fact. Children are slaves to their parents, guardians and teachers. Imprisoned culprits are slaves. Lunatics and idiots are slaves also. Three-fourths of free society are slaves, no better treated, when their wants and capacities are estimated, than negro slaves. The masters in free society, or slave society, if they perform properly their duties, have more cares and less liberty than the slaves themselves. "In the sweat of thy face shalt thou earn thy bread!" made all men slaves, and such all *good men* continue to be.

Negro slavery would be changed immediately to some form of peonage, serfdom or villeinage, if the negroes were sufficiently intelligent and provident to manage a farm. No one would have the labor and trouble of management, if his negroes would pay in hires and rents one-half what free tenants pay in rent in Europe. Every negro in the South would be soon liberated, if

he would take liberty on the terms that white tenants hold it. The fact that he cannot enjoy liberty on such terms, seems conclusive that he is only fit to be a slave.

But for the assaults of the abolitionists, much would have been done ere this to regulate and improve Southern slavery. Our negro mechanics do not work so hard, have many more privileges and holidays, and are better fed and clothed than field hands, and are yet more valuable to their masters. The slaves of the South are cheated of their rights by the purchase of Northern manufactures which they could produce. Besides, if we could employ our slaves in the coarser processes of the mechanic arts and manufactures, such as brick making, getting and hewing timber for ships and houses, iron mining and smelting, coal mining, grading railroads and plank roads, in the manufacture of cotton, tobacco, &c., we would find a vent in the new employments for their increase, more humane and more profitable than the vent afforded by new states and territories. The nice and finishing processes of manufactures and mechanics should be reserved for the whites, who only are fitted for them, and thus, by diversifying pursuits and cutting off dependence on the North, we might benefit and advance the interests of our whole population. Exclusive agriculture has depressed and impoverished the South. . . . Free trade doctrines, not slavery, have made the South agricultural and dependent, given her a sparse and ignorant population, ruined her cities, and expelled her people.

Would the abolitionists approve of a system of society that set white children free, and remitted them at the age of fourteen, males and females, to all the rights, both as to person and property, which belong to adults? Would it be criminal or praiseworthy to do so? Criminal, of course. Now, are the average of negroes equal in information, in native intelligence, in prudence or providence, to well-informed white children of fourteen? We who have lived with them for forty years, think not. The competition of the world would be too much for the children. They would be cheated out of their property and debased in their morals. Yet they would meet every where with sympathizing friends of their own color, ready to aid, advise and assist them. The negro would be exposed to the same competition and greater temptations, with no greater ability to contend with them, with these additional difficulties. He would be welcome nowhere; meet with thousands of enemies and no friends. If

he went North, the white laborers would kick him and cuff him, and drive him out of employment. If he went to Africa, the savages would cook him and eat him. If he went to the West Indies, they would not let him in, or if they did, they would soon make of him a savage and idolater.

We have a further question to ask. If it be right and incumbent to subject children to the authority of parents and guardians, and idiots and lunatics to committees, would it not be equally right and incumbent to give the free negroes masters, until at least they arrive at years of discretion, which very few ever did or will attain? What is the difference between the authority of a parent and of a master? Neither pay wages, and each is entitled to the services of those subject to him. The father may not sell his child forever, but may hire him out till he is twenty-one. The free negro's master may also be restrained from selling. Let him stand in *loco parentis*, and call him papa instead of master. Look closely into slavery, and you will see nothing so hideous in it; or if you do, you will find plenty of it at home in its most hideous form.

The earliest civilization of which history gives account is that of Egypt. The negro was always in contact with that civilization. For four thousand years he has had opportunities of becoming civilized. Like the wild horse, he must be caught, tamed and domesticated. When his subjugation ceases he again runs wild, like cattle on the Pampas of the South, or the horses on the prairies of the West. His condition in the West Indies proves this.

It is a common remark, that the grand and lasting architectural structures of antiquity were the results of slavery. The mighty and continued association of labor requisite to their construction, when mechanic art was so little advanced, and labor-saving processes unknown, could only have been brought about by a despotic authority, like that of the master over his slaves. It is, however, very remarkable, that whilst in taste and artistic skill the world seems to have been retrograding ever since the decay and abolition of feudalism, in mechanical invention and in great utilitarian operations . . . requiring much labor, its progress has been unexampled. Is it because capital is more despotic in its authority over free laborers than Roman masters and feudal lords were over their slaves and vassals? . . .

But far the worst feature of modern civilization, which is the civilization of free society, re-

mains to be exposed. Whilst labor-saving processes have probably lessened by one-half, in the last century, the amount of work needed for comfortable support, the free laborer is compelled by capital and competition to work more than he ever did before, and is less comfortable. The organization of society cheats him of his earnings, and those earnings go to swell the vulgar pomp and pageantry of the ignorant millionaires, who are the only great of the present day. These reflections might seem, at first view, to have little connexion with negro slavery; but it is well for us of the South not to be deceived by the tinsel glare and glitter of free society, and to employ ourselves in doing our duty at home, and studying the past, rather than in insidious rivalry of the expensive pleasures and pursuits of men whose sentiments and whose aims are low, sensual and grovelling. . . .

We need never have white slaves in the South, because we have black ones. Our citizens, like those of Rome and Athens, are a privileged class. We should train and educate them to deserve the privileges and to perform the duties which society confers on them. Instead, by a low demagoguism depressing their self-respect by discourses on the equality of man, we had better excite their pride by reminding them that they do not fulfil the menial offices which white men do in other countries. Society does not feel the burden of providing for the few helpless paupers in the South. And we should recollect that here we have but half the people to educate, for half are negroes; whilst at the North they profess to educate all. It is in our power to spike this last gun of the abolitionists. We should educate all the poor. The abolitionists say that it is one of the necessary consequences of slavery that the poor are neglected. It was not so in Athens, and in Rome, and should not be so in the South. If we had less trade with and less dependence on the North, all our poor might be profitably and honorably employed in trades, professions and manufactures. Then we should have a rich and denser population. Yet we but marshal her in the way that she was going. The South is already aware of the necessity of a new policy, and has begun to act on it. Every day more and more is done for education, the mechanic arts, manufactures and internal improvements. We will soon be independent of the North. . . .

We abhor the doctrine of the "Types of Mankind"; first, because it is at war with scripture, which teaches us that the whole human race is

descended from a common parentage; and, secondly, because it encourages and incites brutal masters to treat negroes, not as weak, ignorant and dependent brethren, but as wicked beasts,

without the pale of humanity. The Southerner is the negro's friend, his only friend. Let no inter-meddling abolitionist, no refined philosophy, dissolve this friendship.

II

Reform vs. Demon Rum

ALTHOUGH MUCH OF THE REFORMING ZEAL was absorbed in freeing the slaves, enough remained to attack other evils of the day. Before this period, intoxicants had been used almost universally and were a part of most occasions, from celebrating a birth to consoling the bereaved at funerals. Moral leaders began making demands for temperate drinking; then they later wanted pledges of self imposed abstinence. From a single beginning in Boston, in five years time more than one thousand clubs were formed all over the country to wage the battle against alcohol.

When man's lack of will-power became obvious in the failure of self-imposed abstinence, the reformers demanded that he be saved from himself by state prohibition laws. As a result, in 1846 Maine became the first "dry" state in American history. Within the next ten years she was joined by twelve others in the North and West. J. A. Krout told the story of this phase of reform in his book, *The Origins of Prohibition*.⁵

THE TEMPERANCE REFORMERS were propagandists who neither feared nor denied the designation. They willingly admitted that they were in the business of creating a public opinion which in time would substitute a better standard of conduct for the existing one. Two pictures were constantly in their minds, one of a nation doomed to destruction because of the ravages of strong drink, the other a nation happy and prosperous under a regimen of temperance. To translate into terms of everyday life the promise of the latter picture was their objective; success depended upon their ability to make others see the situation as it appeared to them. They must, therefore, unite in permanent organizations all those who considered abstinence from the use of ardent spirits of primary importance in the control of human relations. This would give them an effective means of voicing opinions favorable to their purposes.

The problem of persuading the unconvinced was handled with an evident understanding of

human nature. The mind of man, reasoned the reformers, is so constituted that it may be more effectually reached by forbearance and mild suggestion than by severity. This is particularly true when the purpose is to induce men to change their usual course of conduct and to adopt new principles of action. Many people have a pronounced pride of opinion, an unwillingness to lay aside long cherished sentiments and an aversion from breaking firmly fixed habits, which cannot be overcome by frontal attacks. They must be convinced of the advisability of the suggested change by arguments which recognize some merit in the former practice, but urge its abandonment for the sake of something better. Accordingly, during the first years of the American Temperance Society's work, propaganda was couched more often in terms of mild criticism than in those of bitter invective. . . .

Indeed, the decade following the formation of the American Temperance Society in 1826 was a period of optimism. High hopes were entertained that the temperance idea would become so popular that it would effect a revolution in manners and morals. Favourable sentiment was evident in all parts of the country, sometimes a

⁵ Reprinted from *The Origins of Prohibition* by John A. Krout, by permission of Alfred A. Knopf, Inc. Copyright, 1925, by Alfred A. Knopf, Inc., pp. 124-133, 136-145, 149-151.

direct result of the work of the national society and its auxiliaries, but more often an independent manifestation of the opinion of a particular community. Writers in temperance periodicals were prone to regard this popular concern over intemperance as a result of the principle and practice of self-government. Rulers by divine-right and hereditary nobles might tolerate with impunity depraving indulgences which kept the great mass abject, but when the many came into political power a more rigorous social control was necessary for the success of republican institutions. Though this explanation may have been more ingenious than valid, the fact remained that the poorer classes in the community were manifesting an unwonted interest in social problems, an interest which the temperance forces were quick to convert into organized effort for reform.

In an attempt to establish uniform procedure throughout the country the national society suggested that all local groups, regardless of their origin, adopt the same pledge and become auxiliary to their state society. For a model pledge it recommended:

We, the subscribers, residing in the state of, county of, town of, believing that the drinking of ardent spirits is, for persons in health, not only unnecessary but injurious; that its use is the cause of forming intemperate appetites and habits; and while it is continued, the evils of intemperance can never be prevented: do therefore agree, that we will not, except as a medicine in case of bodily infirmity, use distilled spirits ourselves, or procure them for use of our families, or provide them for the entertainment of our friends, or for persons in our employment, and that in all suitable ways we will discountenance the use of them in the community.

... An analysis of the records for 1831 reveals the numerical preponderance in the reform of New Englanders and their widely scattered descendants. Although less than one-sixth of the people of the United States at that time lived in the six states northeast of the Hudson, they had formed more than one-third of the temperance societies with nearly one-third of the total membership. Furthermore, a significant relation between the expansion of New England and the growth of temperance sentiment was apparent from the geographical distribution of the societies in New York and Ohio. Of 700 organizations in the former state, embracing fully fifty

per cent of the temperance forces in the entire country, a majority were located in districts which had received the largest immigration from New England. . . .

South of the Mason-Dixon line and the Ohio River there were only 15,000 pledged to abstinence from distilled spirits, less than ten per cent of the abstainers in the whole country. Of this number at least half were members of societies in Virginia and Georgia, where the southern phase of the movement had its origin. There had been no causal relation between the temperance organizations in New England and New York and the beginnings of reform in the states of the seaboard South, but many of the southern societies had affiliated with the national society before 1831. When Abner Clopton, an influential Baptist preacher in Virginia, began to organize the temperance work in his own state in 1826, he had not heard of the formation of the American Temperance Society a few months earlier in Boston, and his efforts were entirely independent of what was being done in other parts of the nation. . . .

The fact that temperance groups in different parts of the country did not owe their existence to a common source caused some to fear for the unity and harmony of the movement. Besides, many workers were convinced that individual efforts were not properly supervised and that the public was not aware of the magnitude of the enterprise. It seemed advisable, therefore, to focus attention on the strength and co-operation of the various groups through the medium of a national convention. The executive committee of the American Temperance Society issued a call for a meeting of delegates from all county and state societies to be held in Independence Hall, Philadelphia, on May 24, 1833. The response surprised the most optimistic, for more than four hundred representatives of organizations in twenty-one states attended the sessions. . . .

On the floor of the convention several important questions were settled to the satisfaction of a majority of the delegates. While the type of pledge was under discussion, a small group of conservatives challenged the soundness of the abstinence principle, and a radical minority desired to place fermented liquors as well as ardent spirits under the ban. The sentiment of the majority, however, was strongly in favour of retaining without amendment the pledge of "total abstinence from the use of ardent spirits." Not so easily settled was the question of the proper

attitude to be adopted toward the liquor traffic. The debate, which at times waxed acrimonious, was precipitated by the introduction of a resolution declaring the traffic in distilled spirits to be morally wrong and deserving of the severest condemnation. Opposition came from several quarters. Some maintained that such a pronouncement would alienate many from the cause, since it would be considered an unnecessary impeachment of the "pious dealers" of former days. Others insisted that denunciation would only serve to arouse the bitter hostility of those engaged in the business and would persuade none to abandon the traffic. In spite of objections, however, the convention finally adopted the resolution, justifying its action on the ground that a definite statement might deter honourable men from engaging in a disreputable business.

The creation of a national organization was effected without any difficulty. On recommendation of the special committee the delegates decided that the United States Temperance Union should be formed on a federation basis, the membership to consist of the officers of the American Temperance Society, the officers of the twenty-three state societies and representatives from as many local societies as desired to join. The work of the Union was to be placed in the hands of a president and executive committee selected by the members, who should serve as the final authority in all matters pertaining to the spread of temperance propaganda. . . .

As every responsible leader realizes the value of attaching to his following people of consequence in the community, so the temperance workers understood the importance of enrolling in their societies men whose achievements commanded respect. This was the idea underlying the campaign begun in 1832 to organize legislative temperance societies. The members of Congress and state legislatures were to be brought together, not for the purpose of securing legislation against the liquor traffic, but rather that the example of the law-makers might be used to influence their constituents. With this end in view a preliminary meeting was held in Washington, D.C., during the spring of 1832, at which plans for a Congressional society were discussed. The enthusiasm of Senator Frelinghuysen, who was largely responsible for the gathering, was shared by Senator Felix Grundy of Tennessee and the Secretary of War, Lewis Cass. Daniel Webster, never known as a foe of alcoholic

stimulants, was persuaded to offer the resolution that some sort of organization be effected to combat the evils attendant upon the use of distilled spirits. Definite action was postponed until February 26, 1833, when the American Congressional Temperance Society was formed for the purpose of discountenancing *the use of ardent spirit and the traffic in it, by example and by kind moral influence*. Secretary Cass, who at the time was receiving much commendation for his order of November, 1832, removing ardent spirits from the regular army ration, was chosen president. . . . Representative [Eleutheros] Cook [of Ohio] voiced the appeal to national pride in his boastful assertion that Americans had given mankind the first example of the benefits of temperance and were, therefore, peculiarly obligated to carry on the work. The nations of the world, he believed, had caught the significance of the example set for them and were engaged in imitating it. Certainly it would be a national disgrace, if the United States, after raising hopes so high, should fail to continue its moral leadership. . . .

. . . During the next two years legislative temperance societies became the rule rather than the exception. Their number indicated that many politicians, witnessing the change in customs and the growing popularity of abstinence, believed there was nothing to lose and probably something to gain by accepting the standards of the reformers.

By the middle of the decade the temperance cause had a following that was well-organized and determined to win its objective. Every state was enrolled in the movement. From the incomplete returns of the state societies in 1834 statistics had been compiled showing more than 5000 local groups with a membership of approximately 1,000,000, an increase in three years of five hundred per cent. . . . In 1836 there were eleven weekly and monthly journals devoted solely to the interests of temperance, while many religious periodicals, . . . carried in their columns items pertaining to the reform. . . .

All this literature conveyed to its readers the impressions that popular misconceptions, which had handicapped the workers in the early days of the movement, were slowly being corrected. The idea that ardent spirits prevented disease and relieved fatigue, so vigorously attacked by Dr. Rush, was being discredited by the investigations of physicians and employers of labour. . . . State medical associations in Massachusetts

and Vermont had taken the lead in officially denouncing the general use of spirituous liquors. . . .

Evidence that the liquor traffic was steadily losing the respectability of former days appeared in the reports of dismantled distilleries and deserted grog-shops. Manufacturers and vendors were abandoning a business which caused them to lose caste among their fellows. From a score of states came statistics of plants which had discontinued the manufacture, and stores which had stopped the sale of distilled liquors. . . . Temperance stores and temperance hotels were not uncommon in any part of the country. . . . The retailers of Ipswich, Massachusetts, decided to confine their trade in intoxicants to wines and malt liquors. The English soldier-traveler, Coke, in 1832 observed many public houses at which distilled spirits were not obtainable. Since abstinence from the use of ardent spirits was the accepted temperance standard of the time, all such taverns and hotels were known as temperance houses. . . . Some reformers regarded the multiplication of such taverns with considerable misgiving, for the temperance cause was often harmed in a community by the spectacle of inebriated patrons staggering out of establishments which conspicuously displayed the sign "Temperance House."

Women did not work entirely through the regular organizations. Associations to boycott stores which sold ardent spirits were an effective way for house-wives to fight the liquor traffic. An Ohio society in 1829 adopted the following resolution: "We will discountenance all addresses in any of the male sex with a view of matrimony, if they shall be known to drink ardent spirits, either periodically or on any public occasion." Such earnestness would not be denied. After 1835 societies, formed to alleviate the sufferings of the drunkard's family, gave women an opportunity to express their sympathy for the unfortunate in practical service. Their success in dealing with the poverty and misery that followed in the wake of intemperance brought commendation and recognition from the temperance leaders, and a new door was opened to them in the form of Temperance Beneficial Associations, which admitted women on the same terms with men. These groups secured large followings in the cities, where the protection in case of sickness, offered at light cost, was attractive to the working woman. Though their sphere of activity was constantly expanding, prior to 1840 women did not make

their influence felt in the larger councils of the reform movement. During the decade following, however, they used their position in the temperance work, as in the anti-slavery crusade, to further the cause of sex equality and women's rights.

The tendency to make abstinence from strong drink a matter of family concern raised the question of the proper attitude to be adopted by the temperance societies toward children. Many leaders were opposed to allowing boys and girls to sign the pledge, on the ground that children were unable to understand the solemn character of the obligation and, therefore, could not be expected to abide by it in later life. Others feared that if the immature were enrolled the charge of coercion would be brought against the temperance forces. The opposition would be able to accuse them of imposing opinions upon minds not able to reach a rational decision. Still other leaders challenged the advisability of swelling the ranks with recruits who might desert as they grew older. Belief in the old adage of the bent twig, however, was strong enough to make a majority of the reformers eager to win the allegiance of children. Through the medium of Sunday Schools, many boys and girls above the age of twelve were enrolled in young people's temperance societies. As these groups increased in number, the age limit of twelve was generally adopted, although some localities allowed none under fourteen to sign the pledge. Not every community was sufficiently interested in the children to organize a young people's society; some preferred to have the youth become nominal members of the groups primarily designed to express the conviction of their parents. Where children's societies were in existence, special meetings were arranged at which programs of songs and recitations were presented by the youthful volunteers. The rhymed version of the pledge, widely used during the thirties, took a position beyond that adopted by adults:

This little band do with our hand
The pledge now sign to drink no wine,
Nor brandy red, to turn our head,
Nor whisky hot that makes the sot,
Nor fiery rum to turn our home
Into a hell where none could dwell —
Whence peace would fly, where hope would die,
And love expire 'mid such a fire;
So here we pledge perpetual hate
To all that can intoxicate.

III

The Woman's Rights Movement

WOMAN'S STATUS, FIXED BY social custom and the old English Common Law, was far below that enjoyed by her husband. He could control her conduct and punish her as a child. Even children could be disposed of by the father's will in case of his death. Feminine education was generally considered unnecessary and woman's place was in the home. In 1848 a woman's rights convention met in Seneca Falls, New York, and issued its own "Declaration of Independence."⁶

WHEN, IN THE COURSE OF HUMAN EVENTS, it becomes necessary for one portion of the family of man to assume among the people of the earth a position different from that which they have hitherto occupied, but one to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes that impel them to such a course.

We hold these truths to be self evident: that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted, deriving their just powers from the consent of the governed. Whenever any form of government becomes destructive of these ends, it is the right of those who suffer from it to refuse allegiance to it, and to insist upon the institution of a new government, laying its foundations on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. . . . But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute despotism, it is their duty to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of the women under this government, and such is now the necessity which constrains them to demand the equal station to which they are entitled.

The history of mankind is a history of repeated injuries and usurpations on the part of man toward woman, having in direct object the establishment of an absolute tyranny over her.

⁶ Elizabeth C. Stanton, et al., *History of Woman Suffrage* (New York: Fowler & Wells, 1881), I, pp. 70-73.

To prove this, let facts be submitted to a candid world.

He has never permitted her to exercise her inalienable right to the elective franchise.

He has compelled her to submit to laws, in the formation of which she had no voice.

He has withheld from her rights which are given to the most ignorant and degraded men — both natives and foreigners.

Having deprived her of this first right of a citizen, the elective franchise, thereby leaving her without representation in the halls of legislation, he has oppressed her on all sides.

He has made her, if married, in the eye of the law, civilly dead.

He has taken from her all right in property, even to the wages she earns.

He has made her, morally, an irresponsible being, as she can commit many crimes with impunity, provided they be done in the presence of her husband. In the covenant of marriage, she is compelled to promise obedience to her husband, he becoming, to all intents and purposes, her master — the law giving him power to deprive her of her liberty, and to administer chastisement.

He has so framed the laws of divorce, as to what shall be the proper causes, and in case of separation, to whom the guardianship of the children shall be given, as to be wholly regardless of the happiness of the women — the law, in all cases, going upon a false supposition of the supremacy of man, and giving all power into his hands.

After depriving her of all rights as a married woman, if single, and the owner of property, he has taxed her to support a government which recognizes her only when her property can be made profitable to it.

He has monopolized nearly all the profitable employments, and from those she is permitted to follow, she receives but a scanty remuneration. He closes against her all the avenues to wealth and distinction which he considers most honorable to himself. As a teacher of theology, medicine, or law, she is not known.

He has denied her the facilities for obtaining a thorough education, all colleges being closed against her.

He allows her in Church, as well as State, but a subordinate position, claiming Apostolic authority for her exclusion from the ministry, and, with some exceptions, from any public participation in the affairs of the Church.

He has created a false public sentiment by giving to the world a different code of morals for men and women, by which moral delinquencies which exclude women from society, are not only tolerated, but deemed of little account in man.

He has usurped the prerogative of Jehovah himself, claiming it as his right to assign for her a sphere of action, when that belongs to her conscience and to her God.

He has endeavored, in every way that he could, to destroy her confidence in her own powers, to lessen her self-respect, and to make her willing to lead a dependent and abject life.

Now, in view of this entire disfranchisement of one-half the people of this country, their social and religious degradation — in view of the unjust laws above mentioned, and because women do feel themselves aggrieved, oppressed, and fraudulently deprived of their most sacred rights, we insist that they have immediate admission to all the rights and privileges which belong to them as citizens of the United States. . . .

The following resolutions . . . were adopted:

WHEREAS, The great precept of nature is conceded to be, that "man shall pursue his own true and substantial happiness." Blackstone in his Commentaries remarks, that this law of Nature being coeval with mankind, and dictated by God himself, is of course superior in obligation to any other. It is binding over all the globe, in all countries and at all times; no human laws are of any validity if contrary to this, and such of them as are valid, derive all their force, and all their validity, and all their authority, mediately and immediately, from this original; therefore,

Resolved, That such laws as conflict, in any way, with the true and substantial happiness of women, are contrary to the great precept of na-

ture and of no validity, for this is "superior in obligation to any other."

Resolved, That all laws which prevent woman from occupying such a station in society as her conscience shall dictate, or which place her in a position inferior to that of man, are contrary to the great precept of nature, and therefore of no force or authority.

Resolved, That woman is man's equal — was intended to be so by the Creator, and the highest good of the race demands that she should be recognized as such.

Resolved, That the women of this country ought to be enlightened in regard to the laws under which they live, that they may no longer publish their degradation by declaring themselves satisfied with their present position, nor their ignorance, by asserting that they have all the rights they want.

Resolved, That inasmuch as man, while claiming for himself intellectual superiority, does accord to woman moral superiority, it is pre-eminently his duty to encourage her to speak and teach, as she has an opportunity, in all religious assemblies.

Resolved, That the same amount of virtue, delicacy, and refinement of behavior that is required of woman in the social state, should also be required of man, and the same transgressions should be visited with equal severity on both man and woman.

Resolved, That the objection of indelicacy and impropriety, which is so often brought against woman when she addresses a public audience, comes with a very ill-grace from those who encourage, by their attendance, her appearance on the stage, in the concert, or in feats of the circus.

Resolved, That woman has too long rested satisfied in the circumscribed limits which corrupt customs and a perverted application of the Scriptures have marked out for her, and that it is time she should move in the enlarged sphere which her great Creator has assigned her.

Resolved, That it is the duty of the women of this country to secure to themselves their sacred right to the elective franchise.

Resolved, That the equality of human rights results necessarily from the fact of the identity of the race in capabilities and responsibilities.

Resolved, therefore, That, being invested by the Creator with the same capabilities, and the same consciousness of responsibility for their exercise, it is demonstrably the right and duty of woman, equally with man, to promote every

righteous cause by every righteous means; and especially in regard to the great subjects of morals and religion, it is self-evidently her right to participate with her brother in teaching them, both in private and in public, by writing and by speaking, by any instrumentalities proper to be used, and in any assemblies proper to be held;

and this being a self-evident truth growing out of the divinely implanted principles of human nature, any custom or authority adverse to it, whether modern or wearing the hoary sanction of antiquity, is to be regarded as a self-evident falsehood, and at war with mankind.

IV

The Peace Movement

THERE WAS APPARENTLY NO END to the energy and ambition of the reformers. Throughout the northern states imprisonment for debt was abolished and other barbarous legal practices eliminated or modified. In 1850 the lash was abandoned by the navy as a method of punishment. The blind, the poor, and the insane all got their share of attention. Some visionary souls even dreamed of the day when war could be eliminated. Peace societies sprang up both in the United States and abroad. In 1815 state groups were formed in New York, Ohio and Massachusetts. By 1828 there was a national organization, and in 1848 Americans attended an international congress in Brussels. The American peace movement is described by Professor Merle Curti.⁷

MUCH OF THE FEDERALIST opposition to the War of 1812 expressed itself in antiwar organizations such as the Washington Benevolent Societies and "Friends of Peace." Many adherents to these anti-administration and antiwar organizations became members of the peace societies which were formed immediately after the conclusion of hostilities.

But this opposition, grounded largely in political and economic considerations, was not the chief inspiration of the men who founded the first peace societies in 1814 and 1815. For almost twenty years a number of clergymen, such as Henry Waite, Samuel Fish, John Ogden, and William Ellery Channing, representing various denominations, had been publishing sermons or tracts denouncing war on Christian grounds. . . . In addition the Quakers with renewed energy had made known their position on war. Throughout the first decade of the nineteenth century Friends in New York, Philadelphia and elsewhere printed and circulated such antiwar tracts as Mott's *The Lawfulness of War*, and Wells's *Essay on War*. . . .

Although the leaders of the peace societies were inspired by a religious conviction that war was unchristian, they were also influenced by the wave of humanitarianism that was soon to express itself in a variety of reform movements. The peace societies, as well as those for the suppression of intemperance, the abolition of capital punishment, the relief of the insane, the freedom of the slave, and the emancipation of women, represented the humanitarian's conviction that human suffering in every form should be combated. Social ills, it was believed, were relics of the dark past; agitation, enlightenment, and democratic pressure through conventions and societies, could put an end to all such plagues. . . .

The religious and humanitarian character of the early peace movement is evident indeed in almost all the propaganda which it inspired. War was condemned as contrary to the teachings of Christ, and as hostile to the interests of morality and religion. It was further denounced as a contradiction of the brotherhood of man, and as in conflict with the rights of man to life and liberty. It was argued that it brought destitution and every kind of suffering and ill.

The early leaders of the peace movement were

⁷ Reprinted from *Peace or War*, by Merle Curti, by permission of W. W. Norton & Company, Inc. Copyright 1936 by W. W. Norton & Company, Inc. Pp. 51-62.

substantial citizens — preachers, merchants, lawyers, and other men in public life. Its middle-class character was evident not only in its personnel but in its propaganda. The antiwar arguments made much of the fact that peace promoted trade and prosperity; that wholesale bloodshed was ruinous to property; that it involved such financial evils as inflation, public debt, and excessive taxes; that, in short, it was economically inexpedient. Furthermore, the middle-class prejudices and practicality of the founders and supporters blinded them to many of the economic causes of war, which they seldom appreciated even in broad outline. Naturally, therefore, their proposals for eliminating war said nothing of competition for markets and raw materials, of trade rivalry, of struggle for empire, and only very little of the vested interests in the war system. The emphasis was put rather on persuasion, on appeals to the reason and the sentiment of mankind. Theirs was the voice of the eighteenth-century enlightenment.

It was a great step forward when certain peace leaders, notably Noah Worcester, William Ladd, and Elihu Burritt, proposed political machinery, such as a court and congress of nations, to promote peace. But even this emphasis on political machinery corresponded to the political-mindedness of the middle class, which saw in its representative legislatures, its civil liberties, and the other forms of democracy, symbols of a victory over the older aristocratic classes. . . .

The builders of the peace movement were heroes as truly as leading specialists in the art of killing. The Reverend Noah Worcester, a liberal Congregationalist who, with William Ellery Channing, organized the Massachusetts Peace Society in 1815, actually deprived himself of necessities in order to keep alive the Society to which he gave unstinted time and energy. David Low Dodge, the well-to-do merchant of New York who tucked peace tracts into the boxes of goods sent out from his storerooms, who spoke and wrote without stint, made his sacrifices, too. William Ladd, Harvard graduate, sea captain, and prosperous Maine farmer who turned to the cause in 1824, poured his means into its slender treasury and almost literally gave his life for it. Wearing himself out by excessive devotion, this good-natured, somewhat ponderous man continued to lecture, organize, write, and work long after he was an invalid. On the last lecture tour he made into the West in 1841, his legs were so badly ulcerated that he was forced to

deliver his message sitting on stools in church pulpits.

And the "learned blacksmith," Elihu Burritt, who endured poverty and opprobrium because of his radical, thorough-going pacifism, was perhaps the greatest hero of them all. Self-educated, the master of more than thirty languages, Burritt worked indefatigably for his ideals. Often he did not know where his next dollar was to come from. More than most of his colleagues, he anticipated many of the most effective modern propaganda techniques. From temperance circles he adopted the idea of a pledge of complete abstinence from every possible form of war; some forty thousand American and English "war-resisters" took this ironclad oath. During the crisis over the Oregon boundary, when war seemed to threaten the peaceful relations of the United States and England, Burritt, in cooperation with two or three English pacifists, inaugurated an exchange of "Friendly Addresses" between citizens of American and English cities allied by place name or kindred industries. Perhaps the most striking address was one from the British Association for Promoting the Political and Social Improvement of the People, urging the workingmen of America not to be "seduced" into a war to enrich the "aristocracy, our enemies and yours." Burritt himself presented the address from Edinburgh to Washington. In a group of senators before whom he unrolled this document was Calhoun, who was duly impressed and showed great interest.

Burritt originated other interesting kinds of propaganda. He mobilized women into sewing circles. He utilized the money raised from bazaars for inserting antiwar propaganda in forty leading Continental newspapers as paid copy. Sometimes, with great difficulty and "by accident," he succeeded in including in such papers his appeal to the workingmen of the world to unite in a strike against a threatened war, an idea which he advanced before Marx and Engels published the *Communist Manifesto*.

But Burritt's most memorable achievement in the field of propaganda was his work in organizing great popular demonstrations in favor of peace. In 1847, during his visit to England, it appeared as if the precedent established by the Peace Conference which met in London in 1843 was to fall by the board. With the aid of Henry Richard, secretary of the London Peace Society, Burritt organized and executed most of the preparation for the peace congresses held in Brussels

in 1848, in Paris in 1849, and in Frankfort in 1850. Attended by many well-known public figures, such as Richard Cobden and Victor Hugo, these peace congresses clarified the issues in resolutions demanding the simultaneous reduction of armaments, a congress of nations and court of arbitration, permanent and obligatory treaties for arbitration, boycotts on the sale of war materials and the lending of money to belligerents, and the organization of public opinion in the interest of peace.

Almost alone among his colleagues Elihu Burritt realized that the causes of war must be attacked if it is to be eliminated. His shrewd, farsighted eyes saw how in his own country slavery was rapidly breeding violence which, if the institution was maintained, must lead inevitably to war. Returning to America in 1856 he devoted four years of indescribably arduous toil to an effort to prevent civil war by popularizing his scheme of compensated emancipation, or the purchase of slaves by the government, an example which the English had set in the West Indies. Each winter he traveled North, South, and West, 10,000 miles in all, making addresses almost every evening. He edited periodicals, circulated tracts, organized a mass convention in Cleveland, solicited the support of distinguished men. But though many listened favorably to his plea that the western lands be used as the basis for a fund for purchasing the slaves, the lines of conflict were already too tightly drawn to make the plan feasible.

. . . The pioneers did not win, at best, more than a few thousand members for the fifty peace societies which they organized chiefly in the northeastern part of the country. But their work, limited though it was, proved to be both necessary and positive. They forged impressive arguments against war; they used statistical evidence; they saw the importance of emotional as

well as intellectual appeals. In fact, the arguments they elaborated are still heard, are still important. They also suggested schemes of world organization, the most important of which was that of William Ladd, who, in 1840, published his classic *Essay on a Congress of Nations*. This essay proposed, first, a Congress of Ambassadors for clarifying and improving the principles of international law and for promoting plans to preserve peace; and second, a Court of Nations, composed of the most able jurists in the world, to adjudicate such cases as should be brought before it by the mutual consent of the contending powers. Ladd's scheme opposed the use of sanctions, relying on the moral force of public opinion to enforce the decisions of the Court.

. . . The pioneers of peace did not stop with this. They lobbied in state legislatures, Congress, and the White House to persuade public officials to act on the principles and program for which the peace movement stood. When in 1834 the Massachusetts Senate, at the solicitation of Ladd and a colleague, adopted resolutions advising the establishment of some mode of just arbitration for all international disputes, new ground was broken, for no legislative body had ever before made such a declaration. In 1837 the New York Peace Society memorialized the federal government to take the initiative in calling a Congress of Nations; similar petitions came from many peace societies. . . .

. . . Between the years 1837 and 1846, when our relations with Mexico were anything but friendly, a continual flow of antiwar and pro-arbitration petitions was sent to Congress and the administration. . . . But the Mexican War itself the peace advocates could not prevent; they could only denounce it, draw from it arguments against war in general, and declare that similar aggression must be forever curbed.

Chapter Twelve

The Fervor of Reform, 1820-1860



Southern Slave-Holders Break the Postal Laws

THE YEARS FROM 1820 TO 1860 were restless, transitional ones for Americans in both a mental and physical sense. In established communities families deserted their old homesteads and headed west. Annually they were joined by thousands of immigrants from Europe, all looking for new and happier lives. Evangelical religions, with their emphasis on each person's responsibility for his own soul, unconsciously sowed the seeds which led to spiritual discontent. As a result groups split away from the older churches, and new sects, such as Mormonism, sprang up. A new political departure, Jacksonian democracy, was generated to a great extent by the westward spread of population. It reflected the growing confidence in the worth of democracy and the common man as it preached equality for all in duties of citizenship and rewards of public office.

The philosophy of the age challenged traditional concepts and institutions and encouraged experimentation with new theories and humanitarian reforms. Standards of living improved with a number of important inventions and initial labor organizations brought about better

working conditions in some industries. The average American after long years of frontier life was a self-confident man of unlimited and often undirected enthusiasm. But while he had almost complete faith in himself and his country, he was not quite sure that either was perfect. The gospel of reform was sweeping Europe, and he wondered if America could afford to follow in the march of progress instead of leading it.

A mere glance showed many conditions in need of reform. Millions of Negroes wore the bonds of slavery in the South. Could the United States be less zealous for their freedom than the leading nations in Europe? Then there was the problem of spirituous liquor and its effect on the home and family. And the position of women, who, at best, were their husbands' servants and, at worst, their slaves. Could a Christian and patriotic citizen tolerate the conditions which existed in the prisons, pesthouses and asylums for the poor? The United States had to throw off the shackles of the past, said the reformer, if it were to live up to its destiny.

I

Manifest Destiny

THE ATTITUDE OF THE AMERICAN PEOPLE, their faith in themselves, the feeling that territorial expansion was inevitable, and the flavor of the period have been recaptured by Bernard De Voto in his book, *The Year of Decision: 1846*.¹

TWO YEARS BEFORE, in the summer of 1844, the first telegraph line brought word to Washington that the Democratic convention, meeting in Baltimore, had determined to require a two-thirds vote for nomination. The rule was adopted to stop the comeback of ex-President Martin Van Buren, who had a majority. That it was adopted was extremely significant — it revealed that Van Buren had defeated himself when he refused to support the annexation of Texas. The convention was betting that the spirit of expansionism was now fully reawakened, that the annexation of Texas was an unbeatable issue, that the Democrats would sweep the country if factionalism could be quelled. Smoke-filled rooms in boarding houses scorned President Tyler (whose renomination would have split the party in two), and would not take General Cass, John C. Calhoun, or Silas Wright, all of whom were identified with factions that were badly straining the party. Factionalism, it became clear, was going to be quelled by the elimination of every prominent Democrat who had ever taken a firm stand about anything. So presently the telegraph announced that George Bancroft, with the assistance of Gideon Pillow and Cave Johnson and the indorsement of Old Hickory in the Hermitage, had brought the delegates to agree on the first dark horse ever nominated for the Presidency, Mr. Pillow's former law partner, James K. Polk.

"Who is James K. Polk?" The Whigs promptly began campaigning on that derision, and there were Democrats who repeated it with a sick concern. The question eventually got an unequivocal answer. Polk had come up the ladder, he was an orthodox party Democrat. He had been Jackson's mouthpiece and floor leader in

the House of Representatives, had managed the anti-Bank legislation, had risen to the Speakership, had been governor of Tennessee. But sometimes the belt line shapes an instrument of use and precision. Polk's mind was rigid, narrow, obstinate, far from first-rate. He sincerely believed that only Democrats were truly American, Whigs being either the dupes or the pensioners of England — more, that not only wisdom and patriotism were Democratic monopolies but honor and breeding as well. "Although a Whig he seems a gentleman" is a not uncommon characterization in his diary. He was pompous, suspicious, and secretive; he had no humor; he could be vindictive; and he saw spooks and villains. He was a representative Southern politician of the second or intermediate period (which expired with his Presidency), when the decline but not the disintegration had begun.

But if his mind was narrow it was also powerful and he had guts. If he was orthodox, his integrity was absolute and he could not be scared, manipulated, or brought to heel. No one bluffed him, he knew how to get things done, which is the first necessity of government, and he knew what he wanted done, which is the second. He came into office with clear ideas and a fixed determination and he was to stand by them through as strenuous an administration as any before Lincoln's. Congress had governed the United States for eight years before him and, after a fashion, was to govern it for the next twelve years after him. But Polk was to govern the United States from 1845 to 1849. He was to be the only "strong" President between Jackson and Lincoln. He was to fix the mold of the future in America down to 1860, and therefore for a long time afterward. That is who James K. Polk was.

The Whigs nominated their great man, Henry Clay. When Van Buren opposed the annexation of Texas, he did so from conviction. It was

¹ Bernard De Voto, *The Year of Decision: 1846* (Boston: Little, Brown & Company, 1912), pp. 7-10. Used by permission of Houghton Mifflin Company, present copyright holder.

only at the end of his life, some years later, that Clay developed a conviction not subject to readjustment by an opportunity. This time he guessed wrong—he faced obliquely away from annexation. He soon saw that he had made a mistake and found too clever a way out of the ropes which he had voluntarily knotted round his wrists. Smart politics have always been admired in America but they must not be too smart. The Democrats swept the nation, as the prophets had foretold. It was clear that the Americans wanted Texas and Oregon, which the platform had promised them. Polk, who read the popular mind better than his advisers did, believed that the Americans also wanted the vast and almost unknown area called New Mexico and California.

They did. Polk's election was proof that the energy and desire known as expansionism were indeed at white heat again, after a period of quiescence. This reawakening, which was to give historians a pleasant phrase, "the Roaring Forties," contained some exceedingly material ingredients. Historians now elderly made a career by analyzing it to three components: the need of certain Southern interests and Southern statesmen to seize the empty lands and so regain the power which the increasing population of the North was taking from them, the need of both Northern and Southern interests to dominate the Middle West or at least maintain a working alliance with it, and the blind drive of industrialism to free itself to a better functioning.

Now all those elements were certainly a part of the sudden acceleration of social energies signified by the election of 1844. But society is never simple or neat, and our elder historians who thus analyzed it forgot what their elders had known, that expansionism contained such other and unanalyzable elements as romance, Utopianism, and the dream that men might yet be free. It also contained another category of ingredients—such as the logic of geography, which the map of January 1, 1846, made quite as clear to the Americans then as it is to anyone today. You yourself, looking at a map in which Oregon was jointly occupied by a foreign power and all the rest of the continent west of Texas and the continental divide was foreign territory, would experience a feeling made up of incompleteness and insecurity. Both incompleteness and insecurity were a good deal more alive to the 1840's than anything short of invasion could make them now. And finally, expansionism had

acquired an emotion that was new—or at least signified a new combination. The Americans had always devoutly believed that the superiority of their institutions, government, and mode of life would eventually spread, by inspiration and imitation, to less fortunate, less happy peoples. That devout belief now took a new phase: it was perhaps the American destiny to spread our free and admirable institutions by action as well as by example, by occupying territory as well as by practising virtue. . . . For the sum of these feelings, a Democratic editor found, in the summer of '45, one of the most dynamic phrases ever minted, Manifest Destiny.

In that phrase Americans found both recognition and revelation. Quite certainly, it made soldiers and emigrants of many men . . . who, without it, would have been neither, but its importance was that it expressed the very core of American faith. Also, it expressed and embodied the peculiar will, optimism, disregard, and even blindness that characterized the 1840's in America. . . . The nation which believed in Manifest Destiny came only by means of severe shock and after instinctive denial to realize that Manifest Destiny involved facing and eventually solving the political paradox, the central evasion, of the Constitution—slavery. But it is even more indicative of the 1840's that those who rejected the innumerable statements of Manifest Destiny, repudiated its agencies, and denied its ends, believed in Manifest Destiny. Let Brook Farm speak for them—Brook Farm, the association of literary communists who had withdrawn from the world to establish Utopia a few miles from Boston.

For the Brook Farmers, certainly, did not speculate in Western lands and so cannot come under the economic interpretation of expansionism. Neither were they the spirit of industrialism: they had organized with the declared purpose of nullifying industrialism. Nor were they political adventurers, conspirators, or opportunists: they had formally announced their refusal to adhere to the American political system. But Manifest Destiny had no clearer or more devout statement, and the 1840's had no more characteristic expression, than the editorial which the Brook Farmers published in optimism's house organ, *The Harbinger*, when the curve of the year 1846 began to be clear:—

There can be no doubt of the design being entertained by the leaders and instigators of this infamous business, to extend the "area of freedom" to the

shores of California, by robbing Mexico of another large mass of her territory; and the people are prepared to execute it to the letter. In many and most aspects in which this plundering aggression is to be viewed it is monstrously iniquitous, but after all it seems to be completing a more universal design of Providence, of extending the power and intelligence of advanced civilized nations over the whole face of the earth, by penetrating into those regions which seem fated to immobility and breaking down the barriers to the future progress of knowledge, of the sciences and arts; and arms seem to be the only means by which this great subversive movement towards unity among nations can be accomplished.... In this way Providence is operating on a grand scale to accomplish its designs, making use of instrumentalities ignorant of its purposes, and incited to act by motives the very antipodes of those which the real

end in view might be supposed to be connected with or grow out of.

Thus the literary amateurs: it violates our principles but is part of a providential plan. As Providence's instrumentality Polk was much less woolly. Shortly after he was inaugurated, he explained his objectives to George Bancroft, the scholar, historian, and man of letters who had been a Democratic Brain-Truster since Jackson's time, and whom Polk would make acting Secretary of War, Secretary of the Navy, and finally Minister to Great Britain. His objectives were: the revision of the protective tariff of 1842, the re-establishment of the independent treasury, the settlement of the Oregon question, and the acquisition of California. He was to achieve them all.

II

The Oregon Boundary Controversy

BY THE TREATY OF 1818 the United States and Great Britain agreed to joint occupation of the Oregon territory until the question of sovereignty could be settled. As long as this vast area, composed not only of the present state of Oregon but also Washington, Idaho, a part of Montana, and British Columbia, was thinly populated the arrangement caused little trouble. But after 1842 "Oregon fever" struck Americans and soon four or five thousand were in the area. Some form of government became imperative. First, there had to be an agreement with England. Although in the 1844 election the Democrats had called for the annexation of the entire territory, Polk backed down and signed the Oregon Treaty, which divided the area along latitude 49°. Much of the story back of this compromise is told in the following account by Professor Frederick Merk.²

IT IS A TRUISM IN AMERICAN HISTORY that the success of the United States in the Oregon boundary negotiations was due in considerable measure to the Oregon pioneers. They brought pressure to bear on the British government during the final stages of the Oregon negotiations, and this was a factor in winning for their country the empire of the Pacific Northwest. But what the nature of this pressure was, how direct it was, or how great its effectiveness, are questions that have never been carefully investigated. They

deserve attention, for they go to the heart of Oregon diplomacy and determine the place of the Oregon pioneers in American diplomatic history. They are the province of this study.

Proper analysis of this subject necessitates at the outset a survey of the stakes of Oregon diplomacy. They were not as extensive as at first sight they seem. Nominally the whole of the Oregon country was at issue, the vast domain extending from the Rocky Mountains to the sea and from California to Alaska. But the region about which dispute really centred was the comparatively limited area lying between the Columbia River and the forty-ninth parallel, the rectangle now constituting the central and west-

²Frederick Merk, "The Oregon Pioneers and the Boundary," *American Historical Review*, XXIX (1923-1924), pp. 681-686, 690-691, 693-696. Used by permission of the American Historical Association.

ern thirds of the state of Washington. As early as 1818 the British government had intimated a willingness to divide the Oregon country at the line of the Columbia River and the forty-ninth parallel, and this it definitely offered to do in 1824, 1826, and 1844. It further offered in 1826 and 1844 to yield to the United States a large segment of territory north of the Columbia, intended to satisfy the determined American demand for a share in the harbors of Puget Sound. These proposals the American government had declined. That embracing the Puget Sound harbors had been unacceptable because the proffered area in which they lay would have been isolated from the body of the United States, an enclave in British territory. But the offer had served a useful purpose from the American point of view. It had committed the British government to a line of partition even more favorable to the United States than the Columbia River. And this was years before any pioneers had begun to settle in Oregon.

Similarly, though with somewhat less certainty, the American government stood committed to the line of the forty-ninth parallel. This it had offered as a compromise from the very beginning, and, when in 1844 Calhoun attempted to extend again the field of dispute, Pakenham, the British ambassador, cut him short, informing him that he "was not authorized to treat about any territory lying to the north of the 49th parallel of latitude, which was considered by Her Majesty's Government to form the basis for the Negotiation, on the side of the United States, as the line of the Columbia formed that on the side of Great Britain." So clear had this mutual delimitation of the field of dispute become by the time of the later Oregon negotiations that in 1844 Pakenham recommended to his government that it offer full cession to the United States of the territory south of the Columbia in return for the yielding by the United States of the territory north of the forty-ninth parallel, a proposal which interested Lord Aberdeen but which he did not press because he foresaw that it would be rejected by the American government.

With these facts as a guide we may now turn to assessing the influence of the Oregon pioneers on the boundary negotiations. It has been supposed that they determined the character of the final settlement by simply taking possession as farmers of the territory in dispute. Five thousand American settlers wielded the pen, it is thought, that wrote the Oregon Treaty, demon-

strating that in diplomacy possession is nine points of the law. It is a plausible theory. But it collapses at the prick of the fact that in 1846 all or practically all the American pioneers in Oregon were located in the Willamette Valley, on the south side of the Columbia River — just that part of the Oregon country which ever since 1818 the British government had been willing to concede to the United States. American occupation in other words was of an area that did not need to be won.

North of the Columbia River, on the other hand, in the region really at issue, the total number of American settlers was eight. Seven of these with their families under the leadership of M. T. Simmons, famous in the history of the state of Washington as its first permanent white settler, had established themselves in October, 1845, at the head of Puget Sound. At Jackson Prairie near the Cowlitz Landing was an Americanized Englishman. That was the extent of American occupation north of the Columbia; and of American commercial activity here, there was in 1846 none.

British interests, on the other hand, agricultural as well as commercial, were strong. Fort Vancouver was in this region, on the north bank of the Columbia River, so located in 1824 in place of old Fort George south of the river at the special request of George Canning, the British minister of foreign affairs, and so named by Governor Simpson in order to link the claims to the soil which Great Britain advanced to the discoveries and survey of Vancouver. That this post under the chief factorship of Doctor McLoughlin controlled the commerce, particularly the fur trade, of the region north of the Columbia no one can doubt; indeed, it dominated the commercial life of the whole Oregon country, including even the American settlements in the Willamette. But this establishment represented also a powerful agricultural interest. At the fort ten or more entire sections of land were held for the Hudson's Bay Company. Twelve hundred acres of this were under cultivation, the remainder pastured 700 brood mares, 1600 hogs, and cattle and sheep to the number of 3400. There were employed here more or less regularly in the fields, dairies, mills, shops, and stores of the great establishment from 150 to 200 men, who with their Indian wives and half-breed children, comprised a settlement that already in 1837 was estimated by Lieutenant Slocum to contain from 750 to 800 souls.

Four other establishments of the Hudson's Bay

Company, or of its subsidiary, the Puget Sound Agricultural Company, lay between the Columbia River and the forty-ninth parallel. Fort Okanagan, near the river of the same name, was of minor importance. Fort Victoria at the tip of Vancouver Island was new but rapidly developing. Fort Nisqually was the centre of the herding and farming activities of the Puget Sound Agricultural Company, where on a tract of 167,000 acres there were pastured 5800 sheep, 200 horses, and 1850 cattle. Cowlitz Farm was another extensive property, embracing 3500 acres, of which 1400 acres under cultivation produced yearly more than 10,000 bushels of grain and the remainder pastured 100 horses and sheep and cattle to the number of 1500. Eighty-five men were attached to these four establishments, who with their families added their quota to the weight of British occupation. Nineteen Canadian families, retired servants of the Hudson's Bay Company, and a Roman Catholic mission were established near the Cowlitz River. Clearly British influence outweighed American in this contested area; and if occupation had determined its fate in 1816, it must inevitably have become British territory.

Nor may we assume that these facts were unknown to the British Foreign Office. Lord Aberdeen was well aware of them and understood their meaning. Indeed he overestimated the British advantage, for he did not know when he framed the Oregon Treaty of the little American settlement forming at the head of Puget Sound. His latest advices from the Northwest Coast were those brought by Lieutenant Peel, who sailed from the Straits of Fuca on September 26, 1845, whereas the Simmons party did not reach Puget Sound until near the end of October. What was in his mind when he formulated the Oregon Treaty and despatched it to Washington may be seen from one of the private letters of instruction which he sent with it to Pakenham. He emphasizes in this the extent of the sacrifice Great Britain is making in conceding to the United States the line of the forty-ninth parallel, which will "interfere with the possessions of British colonists resident in a district in which it is believed that scarcely an American citizen as a settler, has ever set his foot."

American negotiators were likewise aware of these facts, though naturally they were disposed to keep them dark. It is significant that Calhoun, famous advocate of "masterly inactivity," who in his negotiations with Pakenham in 1844 first

stressed as an important diplomatic fact the moving of the pioneers into Oregon, remained vague as to their location and spoke not of the present but of the future when he said "that the whole region drained by it (the Columbia River) is destined to be peopled by us." Congressmen blurted out more openly what was well known to the State Department. Owen, of Indiana, for example, on January 3, 1846, asks a question and answers it:

Is there an American settler now living north of the Columbia? So far as I know or believe, not one. I have recently conversed with an intelligent gentleman who has spent some years in that country; and he informs me that the moment a citizen of the United States attempts to settle north of the river — on the *British* side as they persist in calling it — the Hudson Bay Company — the East India Company of that region — sees to it that they are removed, and caused to emigrate south of the stream.

McClelland of Illinois asserted five days later in the same debate:

An idea was purposely inculcated in Oregon, by the British authorities, that the settlements of the Americans south of the Columbia would be acquired in by that Government; but that all such north of that stream would be contested, if needs be, at the point of the bayonet. This idea was attended with the effect of restricting the settlements of the two countries to different sides of the river. While the Americans were settling the south, Great Britain, as a counterpoise, would fill up the north — convert her temporary settlements, for the purposes of trading and fishing, under the convention, into permanent agricultural and commercial communities. . . .

Four other references to the same facts were made on the floor of the House by Rhett, Douglas, Giles, and Caleb Smith in a single week of debate. We must then abandon this theory that American pioneers brought pressure to bear on the government of either country by occupation of the area in dispute.

. . . But it would be a mistake now to conclude that the Oregon pioneers did not influence the boundary treaty at all. They did influence it both indirectly and directly. How much they did it by way of modifying British public opinion is a difficult matter to determine. No doubt their presence on the Willamette in growing numbers was a factor enabling the British Cab-

inet in 1846 to make concessions toward a settlement which would not have been possible before. But on the other hand the *London Times* was well aware that Americans were settled only on the south side of the Columbia, that the disputed region north of the river was in Hudson's Bay Company control, and that to concede the forty-ninth parallel was to surrender important British vested interests. As a potential military force in case of war the Oregon pioneers aroused British apprehension, and perhaps that helped to produce concessions which made a peaceful settlement possible. But such an hypothesis is somewhat weakened by the private correspondence exchanged between the leaders of the British Cabinet, the Duke of Wellington, and Lord Metcalfe in Canada, from which it appears that they realized that if war came it would be decided, and the fate of Oregon would be decided, not in the Far West, but in Canada, on the Great Lakes, and on the sea. Even in Oregon the Hudson's Bay Company in case of war would not have been helpless, as it effectively controlled ammunition, and could count on the support of the British navy, and at least a part of the eighty thousand Indians under its domination in the Pacific Northwest. More effective as a factor in the negotiations was the danger, recognized by both governments, that local conflicts between the pioneers and the Hudson's Bay Company might develop into a general conflagration. No doubt this had considerable influence in hastening a settlement on the basis of mutual concessions.

But there is a positive contribution of real significance which the Oregon pioneers made to the boundary settlement. It is that they led the Hudson's Bay Company to shift its main depot from the old and famous site on the Columbia River to a new location at the tip of Vancouver Island. This they did by arousing in the mind of George Simpson, governor of the Hudson's Bay Company, fears for the safety of the valuable stores concentrated at Fort Vancouver. Simpson profoundly distrusted the Willamette settlers. In his private correspondence he persistently classed all of them together as "desperate characters." He seems to have considered the provisional government of the same stripe, for when in 1845 he reported that the Clatsop Point settlers had hesitantly given in their adhesion to it he observed: "Well was it for them that they did so, as this infant Government appears to be very energetic, the Bowie knife, Revolving Pistol and

Rifle taking the place of the Constable's baton in bringing refractory delinquents to justice." Emigrants en route to Oregon being of the same stamp as those already there, he was concerned for the safety of Fort Hall and warned its chief officer in the spring of 1846 to be on guard against pillaging. Fort Vancouver's vast stores he proposed to put as far as possible out of reach of harm.

... There were, to be sure, other considerations, ordinary requirements of business, that demanded the creation of a new main depot away from the Columbia River. The decline of the fur trade in the valley of the Columbia, the perils of the bar at the entrance of the river, and uncertainties as to the boundary settlement were powerful factors dictating the change. Eventually they would have brought it about even without the intervention of the Americans in the Willamette. Indeed, the Hudson's Bay Company had been contemplating the transfer for at least ten years. But it required the menace of the Willamette settlers to crystallize these factors into action, and action just when the boundary negotiations were at a stage to be influenced by it.

So quietly was this shift of base made that hardly any American understood at the time what was happening, but it did not escape the notice of Lord Aberdeen. He knew of it in 1845 and welcomed it for the promise it offered of a peaceful solution of the Oregon controversy. Sincerely desirous of composing this critical issue he had reconciled himself by March, 1844, to substantially the terms of settlement later laid down in the treaty of 1846. But he had found it impossible to win over Peel, the prime minister, or the remainder of the Cabinet. They no doubt feared the clamor which an active opposition would raise over what was virtually a surrender to the demands of the United States. The Cabinet was still unpersuaded when the news came in 1845 of the shift of base of the Hudson's Bay Company. That event put a new political face on the situation. The Hudson's Bay Company had unwittingly revealed by its move that it no longer regarded the Columbia River as a vital trade route or an indispensable outlet for its western provinces to the sea; that a watercourse which looked imposing on the maps was of so little real promise for anything but a fur-trade commerce that it was being relegated by the British interest which best knew its potentialities to secondary uses. To

yield this river to the United States could not involve serious national loss, nor under the circumstances lay the government open to partizan

attack or national outcry. And surrender of the Columbia was the key to the peaceful settlement of the Oregon boundary.

III

The Wilmot Proviso

WHEN TEXAS WAS ANNEXED in 1845, despite protests by many northern Whigs and anti-slavery men, Mexico threatened to challenge the move, a possibility which undoubtedly helped President Polk decide on a compromise settlement in Oregon. A dispute over the Texas boundary did bring war, but it soon was apparent that Americans wanted much more than the area in question. When Polk presented Congress with an appropriation bill for two million dollars to be used for negotiations with Mexico, Democrat David Wilmot, in an anti-administration move, introduced an amendment which prohibited slavery in any territory so acquired. The proviso would seem unnecessary in view of the generally arid nature of the land under consideration, but it raised a great furor and was kept alive as a matter of principle and sectional strategy. Every northern legislature but one passed resolutions in favor of such a limitation on any land obtained from Mexico; southern Democrats were almost as unanimous in opposition. The following extract from the *Congressional Globe* gives the proviso and some of the debate accompanying its original introduction.³

ON MOTION OF MR. MCKAY the committee proceeded under the resolution just adopted, limiting the time for debate of each member to ten minutes, to the consideration of the President's message, and of the following bill, introduced this morning by Mr. MCKAY:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum of \$2,000,000, in addition to the provision heretofore made, be, and the same is hereby, appropriated, for the purpose of defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations, to be paid out of any money in the treasury not otherwise appropriated, and to be applied under the direction of the President of the United States, who shall cause an account of the expenditure thereof to be laid before Congress as soon as may be.

... Mr. WILMOT regretted that the President had not disclosed his views. He disliked to act in the dark on this or any subject. If this had

been done, and it had been inexpedient to have received and deliberated upon it publicly, they might have gone into secret session. He would vote for this appropriation in case the amendment he intended to offer was adopted. He disagreed with some of his friends that this was an unnecessary war; he believed it a necessary and proper war. He believed it not to be a war of conquest; if so he was opposed to it now and hereafter. If this country was now to be forced into such a war, he pronounced it against the spirit of the age, against the holy precepts of our religion; he was opposed to it in every form and shape. But he trusted it was not to be a war of conquest. He trusted that the President was sincerely ready to negotiate for an honorable peace.

But the President asked for two millions of dollars for concessions which Mexico was to make. We claim the Rio Grande as our boundary—that was the main cause of the war. Are we now to purchase what we claim as a matter of right? Certainly she was not to be paid for the debt she owes our citizens.

Mr. W. took it, therefore, that the President looked to the acquisition of territory in that

³ *Congressional Globe*, 29th Congress, 1st session, pp. 1213-1217.

quarter. To this he had no objection, provided it were done on proper conditions. On the contrary, he was most earnestly desirous that a portion of territory on the Pacific, including the bay of San Francisco, should come into our possession by fair and honorable means, by purchase or negotiation — not by conquest.

But whatever territory might be acquired, he declared himself opposed, now and forever, to the extension of this "peculiar institution" that belongs to the South. He referred to the annexation of Texas, and to his affirmative vote on the proposition connected with it at this session; he was for taking it as it was; slavery had already been established there. But if free territory comes in, God forbid that he should be the means of planting this institution upon it.

He concluded by offering the amendment . . . providing against the establishment of slavery, or involuntary servitude, in any territory which may be acquired.

Mr. HUNT, of New York, was opposed to the bill, but was in favor of peace. He wished the Executive not to throw over his actions and designs a false coloring. He referred to the President's action in the conduct of the war, charging him with having intended war, and commenced action towards it, before he heard of the commencement of hostilities. This message confirmed the impression that the object of the Executive was the extension of our territory south by fair means or by foul. Was it supposed that Mexico intended to fight us, and that this \$2,000,000 was necessary to bring her to terms? If the President desired peace on honorable terms with reference to the difficulties that then existed, Mr. H. would support him; but he was opposed to the acquisition of California, unless upon the terms proposed by the gentleman from Pennsylvania; the attempt to bring it in as slave territory would tend to a dissolution of the Union.

. . . Mr. WILMOT moved an amendment, to add

at the end of Mr. MCKAY's modified bill the following:

Provided, That, as an express and fundamental condition to the acquisition of any territory from the Republic of Mexico by the United States, by virtue of any treaty which may be negotiated between them, and to the use by the Executive of the moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall first be duly convicted.

The first section of the bill was still under consideration, and, after some conversation, the amendment of Mr. WILMOT was received as an amendment to this section.

Mr. DOBBIN rose to a point of order. He contended that the amendment of the gentleman from Pennsylvania (Mr. WILMOT) was not in order, the subject of slavery having no connexion with the bill.

The CHAIRMAN overruled the point of order. The bill (he stated) appropriated a certain sum of money to be put at the disposal of the President. It was certainly competent on the part of the House to adopt a provision limiting the application of the money, and providing that it should be applied only on certain conditions.

Mr. DOBBIN appealed from the decision.

The question on the appeal was taken by tellers, and the decision of the Chairman was sustained — ayes 92, noes 37.

Thus the amendment was decided in order.

Mr. WICK moved to amend the amendment by inserting therein after the word "territory," the words "north of 36°30' north latitude."

The amendment to the amendment was disagreed to — ayes 54, noes 89.

The question recurring on the original amendment of Mr. WILMOT, tellers were asked and ordered; and, the question being taken, it was decided in the affirmative — ayes 83, noes 64.

IV

The Compromise of 1850

THE WILMOT PROviso, however, did not pass the Senate, and neither did any other measure to organize the territory as Congress argued over allowing slaves in that area. After the California gold rush in 1849, President Taylor suggested that California might soon be ready for statehood, thus solving the question for itself. This did happen and admission as a free state was requested of Congress.

On this issue the Union almost split. If California were admitted as a free state about half the Mexican Cession would be lost to the control of the South. Goaded by the Wilmot Proviso southern tempers had been steadily rising. Threats of secession were voiced, and thoughtful men were alarmed for the future of their country.

I. CLAY OFFERS A COMPROMISE

Every textbook gives the final provisions of the Compromise of 1850. Sight is often lost, however, of their background and why they were indeed compromises. The genesis of this famous measure and the issues involved are stated by Henry Clay in this selection from his February 5, 1850, speech.⁴

THE SENATE proceeded to the consideration of the following Resolutions, submitted by Mr. CLAY on the 29th ultimo:

It being desirable, for the peace, concord, and harmony of the Union of these States, to settle and adjust amicably all existing questions of controversy between them, arising out of the institution of slavery, upon a fair, equitable, and just basis: Therefore,

1st. *Resolved*, That California, with suitable boundaries, ought upon her application to be admitted as one of the States of this Union, without the imposition by Congress of any restriction in respect to the exclusion or introduction of slavery within those boundaries.

2d. *Resolved*, That as slavery does not exist by law, and is not likely to be introduced into any of the territory acquired by the United States from the Republic of Mexico, it is inexpedient for Congress to provide by law either for its introduction into or exclusion from any part of the said territory; and that appropriate territorial governments ought to be established by Congress in all of the said territory, not assigned as the boundaries of the proposed State

of California, without the adoption of any restriction or condition on the subject of slavery.

3d. *Resolved*, That the western boundary of the State of Texas ought to be fixed on the Rio del Norte, commencing one marine league from its mouth, and running up that river to the southern line of New Mexico; thence with that line eastwardly, and so continuing in the same direction to the line established between the United States and Spain, excluding any portion of New Mexico, whether lying on the east or west of that river.

4th. *Resolved*, That it be proposed to the State of Texas that the United States will provide for the payment of all that portion of the legitimate and *bona fide* public debt of that State contracted prior to its annexation to the United States, and for which the duties on foreign imports were pledged by the said State to its creditors, not exceeding the sum of \$—, in consideration of the said duties so pledged having been no longer applicable to that object after the said annexation, but having thenceforward become payable to the United States; and upon the condition also that the said State of Texas shall, by some solemn and authentic act of her Legislature, or of a convention, relinquish to the United States any claim which it has to any part of New Mexico.

5th. *Resolved*, That it is inexpedient to abolish slavery in the District of Columbia, whilst that institution continues to exist in the State of Maryland, without the consent of that State, without the consent of the people of the District, and without just compensation to the owners of slaves within the District.

6th. *But Resolved*, That it is expedient to prohibit within the District the slave-trade, in slaves brought into it from States or places beyond the limits of the District, either to be sold therein as merchandise, or

⁴ *Congressional Globe*, appendix, 31st Congress, 1st session, pp. 115 ff.

to be transported to other markets without the District of Columbia.

7th. *Resolved*, That more effectual provision ought to be made by law, according to the requirement of the Constitution, for the restitution and delivery of persons bound to service or labor in any State, who may escape into any other State or Territory in the Union.

And 8th. *Resolved*, That Congress has no power to prohibit or obstruct the trade in slaves between the slaveholding States; but that the admission or exclusion of slaves brought from one into another of them, depends exclusively upon their own particular laws.

Mr. CLAY addressed the Senate as follows:

Mr. President, never, on any former occasion, have I risen under feelings of such deep solicitude. I have witnessed many periods of great anxiety, of peril, and of danger even to the country; but I have never before arisen to address any assembly so oppressed, so appalled, so anxious. And, sir, I hope it will not be out of place to do here what again and again I have done in my private chamber—to implore of Him who holds the destinies of nations and individuals in his hands to bestow upon our country his blessings—to bestow upon our people all his blessing—to calm the violence and rage of party—to still passion—to allow reason once more to resume its empire. . . .

Sir, I have said that I have witnessed other anxious periods in the history of our country; and if I were to mention—to trace to their original source—the cause of all our present dangers and difficulties, I should ascribe them to the violence and intemperance of party spirit. We have had testimony of this in the progress of this session, and Senators, however they may differ in other matters, concur in acknowledging the existence of that cause in originating the unhappy differences which prevail throughout the country upon this subject of the institution of slavery. Parties, in their endeavors to obtain the one the ascendancy over the other, catch at every passing and floating plank, in order to add strength and power to themselves. We have been told by two honorable Senators, . . . that the parties at the North have each in turn, wooed and endeavored to obtain the assistance of a small party called Abolitionists, in order that the scale in its favor might preponderate over its adversaries. Let us look wherever we may, we see too many indications of the existence of the spirit and intemperance of party. I might

go to other legislative bodies besides our own. I might draw from those Legislatures all the melancholy truth upon which I am dwelling; but sir, I need not pass out of this Capitol itself—I say it with all deference and respect to that portion of Congress assembled in the other wing of the Capitol. But what have we seen there during this very session? One whole week—I think it was an entire week—exhausted in the vain endeavor to elect a Doorkeeper of the House! . . .

. . . Mr. President, what was the question in this struggle to elect a Doorkeeper? It was not as regarded the man or the qualifications of the man, best adapted to the situation. It was, whether the Doorkeeper entertained opinions upon certain great national measures coincident with those of this or that side of the House! . . .

When I came to consider this subject, there were two or three general purposes which seemed to me most desirable, if possible, to accomplish. The one was to settle all the controverted questions arising out of the subject of slavery; and it seemed to me to be doing very little if we settled one question and left other disturbing questions unadjusted. It seemed to me to be doing but little if we stopped one leak only in the ship of State, and left other leaks capable of producing danger, if not destruction, to the vessel. I therefore turned my attention to every subject connected with the institution of slavery, and out of which controverted questions have sprung, to see if it were possible or practicable to accommodate and adjust the whole of them.

Another principal object which attracted my attention was, to endeavor to frame such a scheme of accommodation as that neither of the two classes of States into which our country is unhappily divided should make a sacrifice of any great principle. I believe, sir, that the series of resolutions which I have had the honor of presenting to the Senate accomplishes that object.

Another purpose, sir, which I had in view was this: I was aware of the difference of opinion prevailing between these two classes of States. I was aware that while a portion of the Union was pushing matters, as it seemed to me, to a dangerous extremity, another portion of the Union was pushing them to an opposite, and perhaps to a no less dangerous extremity. It appeared to me, then, that if any arrangement, any satisfactory adjustment could be made of the controverted questions between the two classes of States, that adjustment, that arrangement,

could only be successful and effectual by exacting from both parties some concession — not of principle, not of principle at all, but of feeling, of opinion, in relation to the matters in controversy between them. I believe that the resolutions which I have prepared fulfill that object. I believe that you will find upon that careful, rational, and attentive examination of them which I think they deserve, that by them, neither party makes any concession of principle at all, though the concessions of forbearance are ample.

In the next place, in respect to the slaveholding States, there are resolutions making concessions to them by the class of opposite States, without any compensation whatever being rendered by them to the non-slaveholding States.

I think every one of these characteristics which I have assigned to the measures which I propose is susceptible of clear, satisfactory demonstration, by an attentive perusal and critical examination of the resolutions themselves. Let us take up the first, sir.

The first resolution, Mr. President, as you are aware, relates to California; and it declares that California, with suitable limits, ought to be admitted as a member of this Union, without the imposition of any restriction, either to interdict or to introduce slavery within her limits. Now, is there any concession in this resolution by either party to the other? I know that gentlemen who come from the slaveholding States say that the North gets all that it desires; but by whom does it get it? Does it get it by any action of Congress? If slavery be interdicted in California, is it done by Congress, by this Government? No, sir; the interdiction is imposed by California herself. And has it not been the doctrine of all parties, that when a State is about to be admitted into the Union, that State has a right to decide for itself whether it will or will not have within its limits slavery? The great principle which was in contest upon the memorable occasion of the introduction of Missouri into the Union was, whether it was competent or was not competent for Congress to impose any restriction which should exist after she became a member of the Union? We, who were in favor of the admission of Missouri, contended that, by the Constitution, no such restriction could be imposed. We contended that, whenever she was once admitted into the Union, she had all the rights and privileges of any preexisting State of the Union; and that of these rights and privileges, one was to decide for herself whether slavery should or should not exist within her

limits — that she had as much a right to decide upon the introduction of slavery, or upon its abolition, as New York had a right to decide upon the introduction or abolition of slavery; and that she stood among her peers equal, and invested with all the privileges that any one of the original thirteen States, and those subsequently admitted, had a right to enjoy.

And so I thought that those who have been contending with so much earnestness and with so much perseverance for the Wilmot proviso ought to reflect that, even if they could carry their object and adopt the Wilmot proviso, it would cease the moment any State to whose territory it was applicable came to be admitted as a member of the Union. No one contends now — no one believes — that with regard to the northwestern States, to which the ordinance of 1787 was applied — Ohio, Indiana, Illinois, and Michigan — no one now believes that any one of those States, if they thought proper to do it, has not just as much a right to introduce slavery within her borders as Virginia has a right to maintain the existence of slavery within hers.

Then, if in this struggle of power and empire between the two classes of States a decision of California has taken place adverse to the wishes of the southern States, it is a decision respecting which they cannot complain to the General Government. It is a decision made by California herself, and which California had incontestibly a right to make under the Constitution of the United States. There is, then, in that first resolution, according to the observation which I made some time ago, a case where neither party concedes; where the question of slavery, either of its introduction or interdiction, is silent as respects the action of this Government; and if it has been decided, it has been decided by a different body — by a different power — by California herself, who had a right to make that decision.

Mr. President, the next resolution of the series which I have offered, I beg gentlemen candidly now to look at. I was aware, perfectly aware, of the perseverance with which the Wilmot proviso was insisted upon. I knew that every one of the free States of this Union — I believe without exception — had, by its legislative bodies, passed resolutions instructing its Senators and requesting its Representatives to get that restriction incorporated into any territorial bill that might be offered under the auspices of Congress. I knew how much — although I regretted how much — the free States had — if I may say so

—put their hearts upon the adoption of this measure. In this second resolution I call upon them to waive persisting in it. I ask them, for the sake of peace, and in a spirit of mutual forbearance to other members of the Union, to give it up, and to no longer insist upon it—to see, as they must see, if their eyes are open, the dangers which lie under it, if they persevere in insisting upon it.

Well, when I called upon them in that resolution to do this, was I not bound to offer, for the surrender of that favorite measure of theirs, some compensation—not an equivalent by any means, but some compensation—as that spirit of mutual forbearance which animates the one side, ought at the same time to animate the other side? What is it that is offered them? It is a declaration of what I characterize and must style, with great deference to all those who entertain the opposite opinion—I will not say incontestible, but to me clear, and I think they ought to be regarded as—indisputable truths. And what are they? The first is, that by law slavery no longer exists in any portion of the acquisition made by us from the Republic of Mexico; and the other is, that in our opinion, according to all the probabilities of the case, slavery never will be introduced into any portion of the territories so acquired from Mexico.

Now, I have heard it said that this declaration of what I call these two truths is equivalent to the enactment of the Wilmot proviso. I have heard this asserted, but is that the case? If the Wilmot proviso were adopted in territorial governments established in these countries acquired from Mexico, it would be a positive enactment, a prohibition, an interdiction as to the introduction of slavery within them. But with regard to those truths, I had hoped, and still indulge the hope, that those who represent the free States will be inclined not to insist that we shall give—and indeed it would be extremely difficult to give to these declarations—the form of a positive enactment. I had hoped that they would be satisfied with the simple expression of the opinion of Congress, leaving it upon the basis of that opinion, without asking for what seems to be almost impracticable, if not impossible—for any subsequent enactments to be introduced into the bill by which territorial governments shall be established. I can only say that that second resolution, even without the declaration of these two truths, would be more acceptable to me than with them. But I could not forget that I was proposing a scheme of arrangement

and compromise, and I could not, therefore, depart from the duty, which the preparation of the scheme seemed to impose, while we ask upon the one side a surrender of their favorite measure, of offering upon the other side some compensation for that surrender or sacrifice. . . .

The other truth, as I respectfully and with great deference submit, is this: I propose to admit and announce that slavery is not likely to be introduced into any of those territories. Well, is not that the fact? Is there a member of this body who doubts it? What has occurred within the last three months? In California, more than in any other portion of the ceded territories, was it most probable, if slavery was adapted to the industrial habits of the people, that slavery would be introduced; yet, within the last three months, slavery has been excluded by the vote—the unanimous vote—of the Convention, against its introduction—a vote, as I observed on a former occasion, not confined to men from the non-slaveholding States. There were men from the slaveholding States as well, who concurred in that declaration; and that declaration has been responded to by the people of California of all classes and from all parts of the United States, and from foreign countries. Well, if we come down to those mountainous ridges which abound in New Mexico, the nature of its soil, its barrenness, its unproductive character, everything that we know, everything that we hear of it, must necessarily lead to the conclusion which I have mentioned, that slavery is not likely to be introduced there.

. . . What do you want?—what do you want?—you who reside in the free States. Do you want that there shall be no slavery introduced into the territories acquired by the war with Mexico? Have you not your desire in California? And in all human probability you will have it in New Mexico also. What more do you want? You have got what is worth more than a thousand Wilmot provisos. You have nature on your side—facts upon your side—and this truth staring you in the face, that there is no slavery in those territories. If you are not infuriated, if you can elevate yourselves from the mud and mire of mere party contentions, to the purer regions of patriotism, what will you not do? Look at the fact as it exists. You will see that this fact was unknown to the great majority of the people; you will see that they acted upon one state of facts, while we have another and far different state of facts before us; and we will act as patriots—as responsible men, and as lovers of

liberty, and lovers, above all, of this Union. We will act upon this altered state of facts which were unknown to our constituents, and appeal to their justice and magnanimity to concur with us in this action for peace, concord, and harmony.

... I pass from the second resolution to the third and fourth, which relate to the Texas question. ... The question of slavery, or the feeling connected with the institution of slavery, runs into the question of the boundary of Texas. The North are, perhaps, anxious to contract Texas within the narrowest possible limits, in order to exclude all beyond them, and to make it free territory. The South, on the contrary, are anxious to extend their limits to the source of the Rio Grande, for the purpose of obtaining an additional theatre for slavery; ... You will perceive that these difficulties of the boundary question meet us at every step we take, in which there is a third question also adding to the difficulty. By the resolution of annexation, all territory north of $36^{\circ}30'$ was interdicted from slavery. But of New Mexico, all that which lies north of $36^{\circ}30'$ embraces about one-third of the whole of New Mexico east of the Rio Grande; so that free and slave territory, slavery and non-slavery, are mixed up together. All these difficulties are to be met. ... What is proposed? To confine her (Texas) to the Nueces? No, sir. To extend it from the Sabine to the mouth of the Rio Grande—and thence up the Rio Grande to the southern limits of New Mexico, and thence, with that limit, to the boundary between the United States and Spain, as marked out under the treaty of 1819. Why, sir, here is a vast country. I have made no estimate about it, but I believe it is equal in amount of acres—of square miles—to what Texas east of the Nueces and extending to the Sabine had before. But who is there that can say, with truth and justice, that there is no reciprocity, no concession, in these resolutions made to Texas, even with reference to the question of boundary line? They give her a vast country. ... a country sufficiently large, with her consent hereafter, to carve out of it some two or three additional States, when the condition and number of the population may render it expedient to make new States. ...

But, sir, that is not all we propose to give. The second resolution proposes to pay a certain amount of the debt of Texas. A blank is left because I have not hitherto been able to ascertain the amount. ... I shall not repeat the argument I offered upon a former occasion as to the obli-

gation of the United States to pay the debt. ... The United States, having appropriated to themselves the duties arising from imports which have been pledged to the creditor by Texas, as an honorable and just Power, ought now to pay the debt for which these duties were solemnly pledged by a Power independent and competent to make the pledge.

... I pass to the next resolution. ... I have uniformly maintained ... that the power to abolish slavery in the District of Columbia has been vested in Congress by language too clear and explicit to admit, in my judgment, of any rational question whatever.

What is the language of the Constitution? Congress shall have power "To exercise exclusive legislation in all cases whatsoever, over such District, not exceeding ten miles square, as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States."

... Mr. President, if it be conceded that Congress has the power of legislation—exclusive legislation—in all cases whatsoever, how can it be doubted that Congress has the power to prohibit what is called the slave trade within the District of Columbia? ... Why should the slave traders who buy their slaves in Maryland or Virginia, come here with them, in order to transport them to New Orleans or other southern markets? Why not transport them from the States in which they are purchased? Why should the feelings of those who were outraged by the scenes that are exhibited, by the *corteges* which pass along our avenues of manacled human beings—not collected in our own District, nor in our own neighborhood, ... why should the feelings of those who are outraged by such scenes—who are unable to contemplate such a spectacle without horror—why should they be thus outraged by the continuance of a trade so exceptionable, so repugnant, as this? ... Sir, it is a concession ... which one set of States as well as the other should rejoice to adopt, inasmuch as it lessens by one the causes of irritation and discontent which exist as connected with this subject.

Abolish the slave trade within the District of Columbia; re-assert the doctrine of the resolution of 1838, that by an implied obligation, on the part of Congress, slavery ought not to be abolished within the District of Columbia so long as it remains in the State of Maryland—re-assert the principle of that resolution, and adopt the other measures proposed in these resolutions,

or some other similar measures . . . and I venture to predict . . . we shall have peace and quiet for thirty years hereafter, such as followed the disposition of the same exciting and unhappy subject after the Missouri Compromise.

The next resolution [fugitive slave law], . . . Mr. President, upon this subject, I go with him who goes furthest in the interpretation of that clause in the Constitution which relates to this subject. . . . The clause is as follows:

"That no person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

. . . I do think we have just and serious cause of complaint against the free States. I think that they have failed in fulfilling a great obligation, and the failure is precisely upon one of those subjects which in its nature is most irritating and inflammatory to those who live in slave States. Why, sir, I think it is a mark of no good brotherhood, of no kindness, of no courtesy, that a man from a slave State cannot now, in any degree of safety, travel in a free State with his servant, although he has no purpose of stopping there any longer than a short time. Upon this subject, the Legislatures of the free States have altered for the worse in the course of the last twenty or thirty years. Most of these States, . . . had laws for the benefit of "sojourners," as they were called, passing through or abiding for a time in the free States with their servants.

. . . Now, Mr. President, I think that the existing laws for the recovery of fugitive slaves, and the restoration and delivering of them to their owners, being often inadequate and ineffective, it is incumbent upon Congress . . . to assist in allaying this subject, so irritating and disturbing to the peace of this Union. . . . It is our duty to make the laws more effective; and I will go with the furthest Senator from the South in this body to make penal laws, to impose the heaviest sanctions upon the recovery of fugitive slaves, and the restoration of them to their owners.

While upon this part of the subject, however, allow me to make one observation or two. I do not think that States, as States, are to be held responsible for all the misconduct of particular individuals within those States. I think States are to be held responsible only when they act in their sovereign capacity. If there are a few persons indiscreet — mad, if you choose — fanat-

ics, if you choose to call them so — who are for dissolving the Union — (and we know there are some at the North who are for dissolving it, in consequence of the connection which exists between the free and slaveholding States,) — I do not think that any State ought to be held responsible for the doctrines which they propagate, unless the State, itself adopts those doctrines. . . .

The last resolution declares —

"That Congress has no power to prohibit or obstruct the trade in slaves between the slaveholding States; but that the admission or exclusion of slaves brought from one into another of them depends exclusively upon their own particular laws."

This is a concession — not, I admit, of any real constitutional provision, but a concession — of what is understood, I believe, by a great number at the North to be a constitutional provision — from the North to the South, if the resolution be adopted. Take away the decisions of the Supreme Court of the United States on that subject, and I know there is a great deal that might be said on both sides of the subject in relation to the right of Congress to regulate the trade between the States. But I believe the decision of the Supreme Court has been founded upon correct principles; and I hope it will forever put an end to the question whether Congress has or has not the power to regulate the slave trade between the different States.

Such, Mr. President, is the series of resolutions which, with an earnest and anxious desire to present the olive-branch to both parts of this distracted, and, at this moment, unhappy country, I thought it my duty to offer. . . .

2. CALHOUN ANSWERS FOR THE SOUTH

All eyes were upon the South and its elder statesman, John C. Calhoun. Would the South accept the Compromise? On March 4 Calhoun answered in a speech read for him by Senator Mason of Virginia.⁵

I HAVE, SENATORS, believed from the first that the agitation of the subject of slavery would, if not prevented by some timely and effective measure, end in disunion. Entertaining this opinion, I have, on all proper occasions, endeavored to call the attention of both the two great parties which divide the country to adopt some measure to

⁵ *Congressional Globe*, 31st Congress, 1st session, pp. 451 ff.

prevent so great a disaster, but without success. The agitation has been permitted to proceed, with almost no attempt to resist it, until it has reached a point when it can no longer be disguised or denied that the Union is in danger. You have thus had forced upon you the greatest and gravest question that can ever come under your consideration: How can the Union be preserved?

To give a satisfactory answer to this mighty question, it is indispensable to have an accurate and thorough knowledge of the nature and the character of the cause by which the Union is endangered. . . .

To this question there can be but one answer: That the immediate cause is the almost universal discontent that pervades all the States composing the southern section of the Union. This widely-extended discontent is not of recent origin. It commenced with the agitation of the slavery question, and has been increasing ever since. The next question, going one step further back, is: What has caused this widely-diffused and almost universal discontent? . . .

One of the causes is, undoubtedly to be traced to the long-continued agitation of the slavery question on the part of the North, and the many aggressions which they have made on the rights of the South during the time. I will not enumerate them at present, as it will be done hereafter in its proper place.

There is another lying back of it—that with which this is intimately connected—that may be regarded as the great and primary cause. That is to be found in the fact, that the equilibrium between the two sections, in the Government as it stood when the Constitution was ratified and the Government put in action, has been destroyed. At that time there was nearly a perfect equilibrium between the two, which afforded ample means to each to protect itself against the aggressions of the other; but, as it now stands, one section has the exclusive power of controlling the Government, which leaves the other without an adequate means of protecting itself against its encroachment and oppression. . . .

. . . The census is to be taken this year, which must add greatly to the decided preponderance of the North in the House of Representatives and in the Electoral College. The prospect is, also, that a great increase will be added to its present preponderance in the Senate, during the period of the decade, by the addition of new States. Two territories, Oregon and Minnesota, are already in progress, and strenuous efforts are

making to bring in three additional States from the territory recently conquered from Mexico; which, if successful will add three other States in a short time to the northern section, making five States, and increasing the present number of its States from fifteen to twenty, and of its senators from thirty to forty. On the contrary, there is not a single territory in progress in the southern section, and no certainty that any additional State will be added to it during the decade. The prospect then is, that the two sections in the senate, should the effort now made to exclude the South from the newly acquired territories succeed, will stand before the end of the decade, twenty Northern States to fourteen Southern (considering Delaware as neutral), and forty Northern senators to twenty-eight Southern. This great increase of senators added to the great increase of members of the House of Representatives and the Electoral College on the part of the North . . . will effectually and irretrievably destroy the equilibrium which existed when the Government commenced. . . .

The first of the series of Acts by which the South was deprived of its due share of the territories, originated with the confederacy which preceded the existence of this Government. It is to be found in the provision of the ordinance of 1787. Its effect was to exclude the South entirely from that vast and fertile region which lies between the Ohio and the Mississippi rivers, now embracing five States and one Territory. The next of the series is the Missouri compromise, which excluded the South from that large portion of Louisiana which lies north of $36^{\circ}30'$, excepting what is included in the State of Missouri. The last of the series excluded the South from the whole of Oregon Territory. All these, in the slang of the day, were what are called *slave territories, and not free soil; that is, territories belonging to slaveholding powers and open to the emigration of masters with their slaves*. By these several Acts the South was excluded from one million two hundred and thirty-eight thousand and twenty-five square miles—an extent of country considerably exceeding the entire valley of the Mississippi. To the South was left the portion of the Territory of Louisiana lying south of $36^{\circ}30'$ These, with the Territory of Florida, now the State, make, in the whole, two hundred and eighty-three thousand five hundred and three square miles. To this must be added the territory acquired with Texas. If the whole should be added to the southern section it would make an increase of three hundred and

twenty-five thousand five hundred and twenty, which would make the whole left to the South six hundred and nine thousand and twenty-three. But a large part of Texas is still in contest between the two sections, which leaves it uncertain what will be the real extent of the proportion of territory that may be left to the South. . . .

. . . To sum up the whole, the United States, since they declared their independence, have acquired 2,373,046 square miles of territory, from which the North will have excluded the South, if she should succeed in monopolizing the newly acquired territories, about three fourths of the whole, leaving the South but about one fourth.

Such is the first and great cause that has destroyed the equilibrium between the two sections in the Government.

The next is the system of revenue and disbursements which has been adopted by the Government. It is well known that the Government has derived its revenue mainly from duties on imports. I shall not undertake to show that such duties must necessarily fall mainly on the exporting States, and that the South, as the great exporting portion of the Union, has in reality paid vastly more than her due proportion of the revenue; because I deem it unnecessary. . . . Nor shall I, for the same reason, undertake to show that a far greater portion of the revenue has been disbursed at the North, than its due share; and that the joint effect of these causes has been, to transfer a vast amount from South to North, which, under an equal system of revenue and disbursements, would not have been lost to her. If to this be added, that many of the duties were imposed, not for revenue, but for protection, — that is, intended to put money, not in the treasury, but directly into the pockets of manufacturers, — some conception may be formed of the immense amount which, in the long course of sixty years, has been transferred from South to North. . . . It is safe to say that it amounts to hundreds of millions of dollars. Under the most moderate estimate, it would be sufficient to add greatly to the wealth of the North, and thus greatly increase her population by attracting emigration from all quarters to that section. . . .

The result of the whole of these causes combined is, that the North has acquired a decided ascendancy over every department of this Government, and through it a control over all the powers of the system. . . .

As, then, the North has the absolute control

over the Government, it is manifest that on all questions between it and the South, where there is a diversity of interests, the interest of the latter will be sacrificed to the former, however oppressive the effects may be; as the South possesses no means by which it can resist, through the action of the Government. . . . There is a question of vital importance to the southern section, in reference to which the views and feelings of the two sections are as opposite and hostile as they can possibly be.

I refer to the relation between the two races in the southern section, which constitutes a vital portion of her social organization. Every portion of the North entertains views and feelings more or less hostile to it. . . . On the contrary, the southern section regards the relation as one which cannot be destroyed without subjecting the two races to the greatest calamity, and the section to poverty, desolation, and wretchedness; and accordingly they feel bound, by every consideration of interest and safety, to defend it.

This hostile feeling on the part of the North toward the social organization of the South long lay dormant. . . . The first organized movement toward it commenced in 1835. Then, for the first time, societies were organized, presses established, lecturers sent forth to excite the people of the North, and incendiary publications scattered over the whole South, through the mail. . . . At the meeting of Congress, petitions poured in from the North, calling upon Congress to abolish slavery in the District of Columbia, and to prohibit, what they called, the internal slave trade between the States — announcing at the same time, their ultimate object was to abolish slavery . . . throughout the Union. . . .

Having now, Senators, explained what it is that endangers the Union . . . the question again recurs, How can the Union be saved? To this I answer, there is but one way by which it can be, and that is by adopting such measures as will satisfy the States belonging to the southern section, that they can remain in the Union consistently with their honor and their safety. There is, again, only one way by which this can be effected, and that is by removing the causes by which this belief has been produced. *Do this*, and discontent will cease, harmony and kind feelings between the sections be restored, and every apprehension of danger to the Union be removed. The question, then, is How can this be done?

. . . The plan proposed by the distinguished Senator from Kentucky, nor that of the administration, [cannot] save the Union. . . .

... How can the Union be saved? There is but one way by which it can with any certainty; and that is, by a full and final settlement, on the principle of justice, of all the questions at issue between the two sections. The South asks for justice, simple justice, and less she ought not to take. She has no compromise to offer, but the Constitution; and no concession or surrender to make. She has already surrendered so much that she has little left to surrender. . . .

But can this be done? Yes, easily; not by the weaker party, for it can, of itself do nothing, — not even protect itself — but by the stronger. The North has only to will it to accomplish it — to do justice by conceding to the South an equal right in the acquired territory, and to do her duty by causing the stipulations relative to fugitive slaves to be faithfully fulfilled, to cease the agitation of the slave question, and to provide for the insertion of a provision in the Constitution, by an amendment, which will restore to the South, in substance, the power she possessed of protecting herself, before the equilibrium between the sections was destroyed by the action of this Government. There will be no difficulty in devising such a provision — one that will protect the South, and which, at the same time, will improve and strengthen the Government, instead of impairing and weakening it.

But will the North agree to this? It is for her to answer the question. . . . If you are unwilling we should part in peace. . . . If you remain silent, you will compel us to infer by your acts what you intend. In that case, California will become the test question. *If you admit her, under all the difficulties that oppose her admission, you compel us to infer that you intend to exclude us from the whole of the acquired territories, with the intention of destroying, irretrievably, the equilibrium between the two sections. We would be blind not to perceive in that case, that your real objects are power and aggrandizement, and infatuated, not to act accordingly.*

3. DANIEL WEBSTER'S MARCH 7 SPEECH

In one of his greatest speeches Daniel Webster of Massachusetts joined Clay in calling for adoption of the Compromise as the best way to save the Union. Undoubtedly it was his influence which made the North, although with misgivings, accept a new and stronger fugitive slave law.⁶

⁶ *Congressional Globe*, 51st Congress, 1st session, pp. 476 ff.

I WISH TO SPEAK TO-DAY, not as a Massachusetts man, nor as a northern man, but as an American, and a member of the Senate of the United States. . . . It is not to be denied that we live in the midst of strong agitations and are surrounded by very considerable dangers to our institutions and government. The imprisoned winds are let loose. The East, the North, and the stormy South combine to throw the whole sea into commotion, to toss its billows to the skies, and disclose its profoundest depths. I do not affect myself, Mr. President, as holding, or fit to hold, the helm in this combat with the political elements; but I have a duty to perform, and I mean to perform it with fidelity, not without a sense of existing dangers, but not without hope. I have a part to act, not for my own security or safety, for I am looking out for no fragment upon which to float away from the wreck, if wreck there must be, but for the good of the whole, and the preservation of all; and there is that which will keep me to my duty during this struggle, whether the sun and the stars shall appear for many days. I speak to-day for the preservation of the Union. "Hear me for my cause." I speak to-day out of a solicitous and anxious heart, for the restoration to the country of that quiet and that harmony which make the blessings of this Union so rich, and so dear to us all. These are the topics that I propose to myself to discuss, these are the motives, and the sole motives, that influenced me in the wish to communicate my opinions to the Senate and the country; and if I can do any thing, however little, for the promotion of these ends, I shall have accomplished all that I expect. . . .

Now, sir, upon the general nature and influence of slavery there exists a wide difference of opinion between the northern portion of this country and the southern. It is said on the one side, that, although not the subject of any injunction or direct prohibition in the New Testament, slavery is a wrong; that it is founded merely in the right of the strongest; and that it is an oppression, like unjust wars, like all those conflicts by which a powerful nation subjects a weaker to its will; and that, in its nature, whatever may be said of it in the modifications which have taken place, it is not according to the meek spirit of the Gospel. It is not "kindly affectioned"; it does not "seek another's, and not its own"; it does not "let the oppressed go free." These are sentiments that are cherished, and of late with greatly augmented force, among the

people of the Northern States. . . . The South upon the other side, having been accustomed to this relation between the two races all their lives; from their birth, having been taught, in general, to treat the subjects of this bondage with care and kindness, and I believe, in general, feeling great kindness for them, have not taken the view of the subject which I have mentioned. There are thousands of religious men, with consciences as tender as any of their brethren at the North, who do not see the unlawfulness of slavery. . . .

There are men who, with clear perceptions, as they think, of their own duty, do not see how too eager a pursuit of one duty may involve them in the violation of others, or how too warm embracement of one truth may lead to a disregard of other truths just as important. . . . There are men who, in reference to disputes of that sort, are of opinion that human duties may be ascertained with the exactness of mathematics; and they think what is right may be distinguished from what is wrong with the precision of an algebra equation. They have, therefore, none too much charity toward others who differ from them. They are apt, too, to think that nothing is good but what is perfect, and that there are no compromises or modifications to be made in consideration of difference of opinion or in deference to other men's judgement. . . .

But we must view things as they are. Slavery does exist in the United States. It did exist in the States before the adoption of this Constitution, and at that time. Let us, therefore, consider for a moment what was the state of sentiment, North and South, in regard to slavery, — . . . at the time this Constitution was adopted. A remarkable change has taken place since; but what did the wise and great men of all parts of the country think of slavery then? . . . It will be found, sir, . . . that there was no diversity of opinion between the North and South upon the subject of slavery. It will be found that both parts of the country held it equally an evil, a moral and political evil. It will not be found that, either at the North or at the South, there was much, though there was some, invective against slavery as inhuman and cruel. The great ground of objection to it was political; that it weakened the social fabric; that, taking the place of free labor, society became less strong and labor less productive; and therefore we find from all the eminent men of the time the clearest expression of their opinion that slavery is an evil. . . .

. . . But soon a change began, at the North and the South, and a difference of opinion showed itself; the North growing much more warm and strong against slavery, and the South growing much more warm and strong in its support. Sir, there is no generation of mankind whose opinions are not subject to be influenced by what appear to be their emergent and exigent interests. I impute to the South no particularly selfish view in the change which has come over her. I impute to her certainly no dishonest view. All that has happened has been natural. . . . It [slavery] has now become an institution, a cherished institution, in that quarter; no evil, no scourge, but a great religious, social, and moral blessing, as I think I have heard it latterly spoken of? I suppose this, sir, is owing to the rapid growth and sudden extension of the cotton plantations of the South. So far as any motive consistent with honor, justice, and general judgment could act, it was the cotton interest that gave a new desire to promote slavery, to spread it, and to use its labor. . . .

Now, as to California and New Mexico, I hold slavery to be excluded from these territories by a law even superior to that which admits and sanctions it in Texas. I mean the law of nature, of physical geography, the law of the formation of the earth. . . . I will say further, that, if a resolution or a bill were now before us, to provide a territorial government for New Mexico, I would not vote to put any prohibition into it whatever. Such a prohibition would be idle, as it respects any effect it would have upon the territory and I would not take pains uselessly to reaffirm an ordinance of nature, nor to reenact the will of God. I would put in no Wilmot proviso for the mere purpose of a taunt or a reproach. I would put into it no evidence of the votes of superior power, exercised for no purpose but to wound the pride, whether a just and a rational pride, or an irrational pride, of the citizens of the southern States. . . .

Mr. President, in the excited times in which we live, there is found to exist a state of crimination and recrimination between the North and South. There are lists of grievances produced by each. . . . I shall bestow a little attention, sir, upon these various grievances existing on the one side and on the other. I begin with the complaints of the South. I will not answer, further than I have, the general statements of the honorable Senator from South Carolina, that the North has prospered at the expense of the South in consequence of the manner of admin-

istering this Government, in the collection of its revenues, and so forth. These are disputed topics, and I have no inclination to enter into them. But I will allude to other complaints of the South, and especially to one which has in my opinion, just foundation; and that is, that there has been found at the North, among individuals and among legislators, a disinclination to perform fully their constitutional duties in regard to the return of persons bound to service who have escaped into the free States. In that respect, the South, in my judgment, is right, and the North is wrong. . . . And I desire to call the attention of all sober-minded men at the North, of all conscientious men, of all men who are not carried away by some fanatical idea or some false impression, to their constitutional obligations. I put it to all the sober and sound minds at the North as a question of morals and a question of conscience. What right have they, in their legislative capacity, or any other capacity, to endeavor to get round this Constitution, or to embarrass the free exercise of the rights secured by the Constitution, to the person whose slaves escape from them? None at all; none at all. . . .

Then, sir, there are the Abolition societies, of which I am unwilling to speak, but in regard to which I have very clear notions and opinions. I do not think them useful. I think their operations for the last twenty years have produced nothing good or valuable. . . . We all know the fact, and we all know the cause; and every thing that these agitating people have done has been, not to enlarge, but to restrain, not to set free, but to bind faster, the slave population of the South. . . .

There are also complaints of the North against the South. I need not go over them particularly. The first and gravest is, that the North adopted the Constitution, recognizing the existence of slavery in the States, and recognizing the right, to a certain extent, of the representation of slaves in Congress, under a state of sentiment and expectation which does not now exist; and that by events, by circumstances, by the eagerness of the South to acquire territory and extend her slave population, the North finds itself, in regard to the relative influence of the South and the North, of the free States and the slave States, where it never did expect to find itself when they agreed to the compact of the Constitution. They complain, therefore, that, instead of slavery being regarded as an evil, as it was then, an evil which all hoped would be extinguished gradually, it is now regarded by the South as an in-

stitution to be cherished, and preserved, and extended; an institution which the South has already extended to the utmost of her power by the acquisition of new territory. . . .

Mr. President, I should much prefer to have heard from every member on this floor declarations of opinion that this Union could never be dissolved, than the declaration of opinion by anybody, that in any case, under the pressure of any circumstances, such a dissolution was possible. . . . Secession! Peaceable secession! Sir, your eyes and mine are never destined to see that miracle. . . . I will not state what might produce the disruption of the Union; but, sir, I see as plainly as I can see the sun in heaven what that disruption itself must produce; I see that it must produce war. . . .

. . . Sir, I may express myself too strongly, perhaps, but there are impossibilities in the natural as well as the physical world, and I hold the idea of the separation of these States, those that are free to form one government, and those that are slave-holding to form another, as such an impossibility. We could not separate the States by any such line, if we were to draw it. We could not sit down here to-day and draw a line of separation that would satisfy any five men in the country. There are natural causes that would keep and tie us together, and there are social and domestic relations which we could not break if we would, and which we should not if we could. . . .

And now, Mr. President, instead of speaking of the possibility or utility of secession, instead of dwelling in those caverns of darkness, instead of groping with those ideas so full of all that is horrid and horrible, let us come out into the light of the day; let us enjoy the fresh air of Liberty and Union; let us cherish those hopes which belong to us; let us devote ourselves to those great objects that are fit for our consideration and our action; . . . Never did there devolve on any generation of men higher trusts than now devolve upon us, for the preservation of this Constitution and the harmony and peace of all who are destined to live under it. Let us make our generation one of the strongest and brightest links in that golden chain which is destined, I fondly believe, to grapple the people of all the States to this Constitution for ages to come. We have a great, popular, Constitutional Government, guarded by law and by judicature, and defended by the affections of the whole people. . . .

Chapter Fourteen

Sliding Into Secession, 1850-1861



The Lincoln-Douglas Debate

OUTWARDLY THE NORTH AND SOUTH accepted the Compromise of 1850 as the final solution to the slavery controversy. But in both sections subsurface currents worked to undermine it. Southerners still resented California's admittance as a free state and felt their only gain had been the new fugitive slave law. On the other hand, northerners were bitter over the harshness of that law, and many showed they would not recognize it on the grounds that a "higher law," the law of God and humanity, had been violated.

As early as 1848 the Democratic Party came up with a neutral, thus vote-saving, stand which would allow the people in the territories to make their own decision about slavery. In 1854 Democratic Senator Stephen A. Douglas proposed that this method of "Popular Sovereignty" be used in organizing the Kansas and Nebraska territories, disregarding the fact that both were north of the Missouri Compromise line. This move broke the uneasy truce, and all the bitterness of 1850 was revived in the debate and passage of the Kansas-Nebraska bill. The subsequent attempt to apply this principle in Kansas ended

in a bloody struggle.

Southerners long had been eager for a Supreme Court ruling on Congress' power over slavery in the territories, for they believed the verdict would be favorable to them. The *Dred Scott vs. Sanford* case brought a pronouncement which completely justified their expectations. Republicans, however, repudiated the decision and promised a reversal when they gained control, even if it meant altering the composition of the Court.

In the election of 1860, therefore, the chief plank of the Republican platform was the absolute prohibition of slavery in the territories. Other subjects equally distasteful to the South included a high tariff and free homesteads. State after state below the Mason-Dixon line announced that Lincoln's election on such a platform would be grounds for severing its ties with the Union. His election, previously aided by a Democratic split, caused South Carolina to secede. Within six weeks the states bordering on the Gulf of Mexico followed her, and Lincoln was faced with the difficult task of restoring the Union.

I

The Issue of Slavery Expansion

AFTER THE COMPROMISE OF 1850 southerners had little hope of winning additional slave areas within the territorial limits of the United States. The unorganized sections of the Mexican Cession were seemingly barred to them by climate, soil and the political disposition of the settlers. Any unorganized portions north of the Missouri Compromise line would, presumably, be free. Undoubtedly this stalemate was one of the reasons why President Franklin Pierce, a northern man with southern sentiments, made such determined efforts to secure other land suitable for slavery. A northern protest over the Ostend Manifesto stopped an attempt to buy or seize Cuba. And while the administration coveted more Mexican territory, it succeeded in acquiring only the Gadsden Purchase. Thus blocked at every turn, southern hopes faded, only to revive with the introduction of the Kansas-Nebraska bill.

1. POPULAR SOVEREIGNTY

Senator Douglas' plan to organize the new territories of Kansas and Nebraska proposed repealing the Missouri Compromise and determining the status of slavery in that area by the principles underlying the Compromise of 1850. These principles, he held, recognized the right of a territorial legislature (popular sovereignty) to approve or reject slavery, and later in Harper's New Monthly Magazine, Douglas defended the constitutionality of such a solution.¹

UNDER OUR COMPLEX SYSTEM of government it is the first duty of American statesmen to mark distinctly the dividing line between Federal and Local Authority. To do this with accuracy involves an inquiry, not only into the powers and duties of the Federal Government under the Constitution, but also into the rights, privileges, and immunities of the people of the Territories, as well as of the States composing the Union. The relative powers and functions of the Federal and State governments have become well understood and clearly defined by their practical operation and harmonious action for a long series of years; while the disputed question—involving the right of the people of the Territories to govern themselves in respect to their local affairs and internal polity—remains a

fruitful source of partisan strife and sectional controversy. . . .

. . . These differences of opinion arise from the different interpretations placed on the Constitution by persons who belong to one of the following classes [of the Democratic Party]:

First.—Those who believe that the Constitution of the United States neither establishes nor prohibits slavery in the States or Territories beyond the power of the people legally to control it, but "leaves the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

Second.—Those who believe that the Constitution establishes slavery in the Territories, and withholds from Congress and the Territorial Legislature the power to control it; and who insist that, in the event the Territorial Legislature fails to enact the requisite laws for its protection, it becomes the imperative duty of Congress to interpose its authority and furnish such protection.

Third.—Those who, while professing to believe that the Constitution establishes slavery in the Territories beyond the power of Congress or the Territorial Legislature to control it, at the same time protest against the duty of Congress to interfere for its protection; but insist that it is the duty of the Judiciary to protect and maintain slavery in the Territories without any law upon the subject.

By a careful examination of the second and

¹Stephen A. Douglas, "The Dividing Line Between Federal and Local Authority. Popular Sovereignty in the Territories," *Harper's New Monthly Magazine*, XIX (1859), pp. 519-521, 527, 529-530, 536-537.

third propositions, it will be seen that the advocates of each agree on the theoretical question, that the Constitution establishes slavery in the Territories, and compels them to have it whether they want it or not; and differ on the practical point, whether a right secured by the Constitution shall be protected by an act of Congress when all other remedies fail. The reason assigned for not protecting by law a right secured by the Constitution is, that it is the duty of the Courts to protect slavery in the Territories without any legislation upon the subject. How the Courts are to afford protection to slaves or any other property where there is no law providing remedies and imposing penalties and conferring jurisdiction upon the Courts to hear and determine the cases as they arise, remains to be explained.

The acts of Congress, establishing the several Territories of the United States, provide that: "The jurisdiction of the several Courts herein provided for, both appellate and original, and that of the Probate Courts and Justices of the Peace, shall be as limited by law" — meaning such laws as the Territorial Legislatures shall from time to time enact. It will be seen that the judicial tribunals of the Territories have just such jurisdiction, and only such, in respect to the rights of persons and property pertaining to the citizens of the Territory as the Territorial Legislature shall see fit to confer; and consequently, that the Courts can afford protection to persons and property no further than the Legislature shall, by law, confer the jurisdiction, and prescribe the remedies, penalties, and modes of proceeding.

It is difficult to conceive how any person who believes that the Constitution confers the right of protection in the enjoyment of slave property in the Territories, regardless of the wishes of the people and of the action of the Territorial Legislature can satisfy his conscience and his oath of fidelity to the Constitution in withholding such Congressional legislation as may be essential to the enjoyment of such right under the Constitution. Under this view of the subject it is impossible to resist the conclusion that, if the Constitution does establish slavery in the territories, beyond the power of the people to control it by law, it is the imperative duty of Congress to supply all the legislation necessary to its protection; and if this proposition is not true, it necessarily results that the Constitution neither establishes nor prohibits slavery anywhere, but leaves the people of each State and

Territory entirely free to form and regulate their domestic affairs to suit themselves, without the intervention of Congress or of any other power whatsoever.

But it is urged with great plausibility by those who have entire faith in the soundness of the proposition, that "A Territory is the mere creature of Congress; that the creature can not be clothed with any powers not possessed by the creator; and that Congress, not possessing the power to legislate in respect to African slavery in the Territories can not delegate to a Territorial Legislature any power which it does not itself possess."

This proposition is as plausible as it is fallacious. But the reverse of it is true as a general rule. Congress can not delegate to a Territorial Legislature, or to any other body of men whatsoever, any power which the Constitution has vested in Congress. In other words: *Every power conferred on Congress by the Constitution must be exercised by Congress in the mode prescribed in the Constitution.*

Let us test the correctness of this proposition by reference to the powers of Congress as defined in the Constitution:

"The Congress shall have power —

"To lay and collect taxes, duties, imposts, and excises," etc.;

"To borrow money on the credit of the United States;"

"To regulate commerce with foreign nations," etc.;

"To establish a uniform rule of naturalization," etc.;

"To coin money, and regulate the value thereof;"

"To establish post-offices and post-roads;"

"To constitute tribunals inferior to the Supreme Court;"

"To declare war," etc.

"To provide and maintain a navy."

This list might be extended so as to embrace all the powers conferred on Congress by the Constitution; but enough has been cited to test the principle. Will it be contended that Congress can delegate any one of these powers to a Territorial Legislature or to any tribunal whatever? Can Congress delegate to Kansas the power to "regulate commerce," or to Nebraska the power "to establish uniform rules of naturalization," or to Illinois the power "to coin money and regulate the value thereof," or to Virginia the power "to establish post-offices and post-roads?"

The mere statement of the question carries with it the emphatic answer, that Congress can not delegate any power which it does possess; but that every power conferred on Congress by

the Constitution must be exercised by Congress in the manner prescribed in that instrument.

On the other hand, there are cases in which Congress may establish tribunals and local governments, and invest them with powers which Congress does not possess and can not exercise under the Constitution. For instance, Congress may establish courts inferior to the Supreme Court, and confer upon them the power to hear and determine cases, and render judgments affecting the life, liberty, and property of the citizen, without itself having the power to hear and determine such causes, render judgments, or revise or annul the same. In like manner Congress may institute governments for the Territories, composed of an executive, judicial, and legislative department; and may confer upon the Governor all the executive powers and functions of the Territory, without having the right to exercise any one of those powers or functions itself.

Congress may confer upon the judicial department all the judicial powers and functions of the Territory, without having the right to hear and determine a cause, or render a judgment, or to revise or annul any decision made by the courts so established by Congress. Congress may also confer upon the legislative department of the Territory certain legislative powers which it can not itself exercise, and only such as Congress can not exercise under the Constitution. The powers which Congress may thus confer but can not exercise, are such as relate to the domestic affairs and internal polity of the Territory, and do not affect the general welfare of the Republic. . . .

Let us pause at this point for a moment, and inquire whether it be just to those illustrious patriots and sages who formed the Constitution of the United States, to assume that they intended to confer upon Congress that unlimited and arbitrary power over the people of the American Territories, which they had resisted with their blood when claimed by the British Parliament over British Colonies in America? Did they confer upon Congress the right to bind the people of the American Territories in all cases whatsoever, after having fought the battles of the Revolution against a "Preamble" declaring the right of Parliament "to bind the Colonies in all cases whatsoever"?

If, as they contended before the Revolution, it was the birthright of all Englishmen, inalienable when formed into political communities, to exercise exclusive power of legislation in their local

affairs in respect to all things affecting their internal polity—slavery not excepted—did not the same right, after the Revolution, and by virtue of it, become the birth-right of all Americans, in like manner inalienable when organized into political communities—no matter by what name, whether Colonies, Territories, Provinces, or new States?

Names often deceive persons in respect to the nature and substance of things. A signal instance of this kind is to be found in that clause of the Constitution which says:

"Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States"

This being the only clause of the Constitution in which the word "territory" appears, that fact alone has doubtless led many persons to suppose that the right of Congress to establish temporary governments for the Territories, in the sense in which the word is now used, must be derived from it, overlooking the important and controlling facts that at the time the Constitution was formed the word "territory" had never been used or understood to designate a political community or government of any kind in any law, compact, deed of cession, or public document; but had invariably been used either in its geographical sense to describe the superficial area of a State or district of country, as in the Virginia deed of cession of the "territory or tract of country" northwest of the River Ohio; or as meaning land in its character as property, in which latter sense it appears in the clause of the Constitution referred to, when providing for the disposition of the "territory or other property belonging to the United States." . . .

. . . The provision to authorize Congress to institute temporary governments for the new States or Territories, and to provide for their admission into the Union, appears in the Constitution in this form:

"New States may be admitted by the Congress into this Union."

The power to admit "*new States*," and "to make all laws which shall be necessary and proper" to that end, may fairly be construed to include the right to institute temporary governments for such new States or Territories, the same as Great Britain could rightfully institute similar governments for the colonies; but certainly not to authorize Congress to legislate in respect to their municipal affairs and internal concerns, without violating that great funda-

mental principle in defense of which the battles of the Revolution were fought. . . .

On the 4th of January, 1854, the Committee on Territories of the Senate, to which had been referred a bill for the organization of the Territory of Nebraska, reported the bill back . . . accompanied by a Report explaining the principles upon which it was proposed to organize those Territories, as follows:

The principal amendments which your Committee deem it their duty to commend to the favorable action of the Senate . . . are those in which the principles established by the Compromise Measures of 1850 . . . are proposed to be affirmed and carried into practical operation within the limits of the new Territory. . . .

In the judgment of your Committee, these measures were intended to have a far more comprehensive and enduring effect than the mere adjustment of the difficulties arising out of the recent acquisition of Mexican territory. They were designed to establish certain great principles, which would not only furnish adequate remedies for existing evils, but, in all time to come, avoid the perils of similar agitations, by withdrawing the question of slavery from the Halls of Congress and the political arena, and committing it to the arbitrament of those who were immediately interested in and alone responsible for its consequences. . . .

. . . It is apparent that the Compromise Measures of 1850 affirm and rest upon the following propositions:

"First. — That all questions pertaining to slavery in the Territories, and in the new States to be formed therefrom, are to be left to the decision of the people residing therein, by their appropriate representatives to be chosen for that purpose.

"Second. — That all cases involving title to slaves and questions of personal freedom, are referred to the adjudication of the local tribunals, with the right of appeal to the Supreme Court of the United States. . . ."

This exposition . . . shows conclusively that the authors of the Compromise Measures of 1850, and of the Kansas-Nebraska Act of 1854, as well as the members of the Continental Congress in 1774, and the founders of our system of government subsequent to the Revolution, regarded the people of the Territories and Colonies as political Communities which were entitled to a free and exclusive power of legislation in their Provincial legislatures, where their representation could alone be preserved, in all cases of taxation and internal polity. This right pertains to the

people collectively as a law-abiding and peaceful community, and not to the isolated individuals who may wander upon the public domain in violation of law. It can only be exercised where there are inhabitants sufficient to constitute a government, and capable of performing its various functions and duties — a fact to be ascertained and determined by Congress. . . .

The principle, under our political system, is *that every distinct political Community, loyal to the Constitution and the Union, is entitled to all the rights, privileges, and immunities of self-government in respect to their local concerns and internal polity, subject only to the Constitution of the United States.*

2. THE KANSAS-NEBRASKA ACT AND "BLEEDING KANSAS"

The Kansas-Nebraska Act passed with the support of the administration, the solid South and midwestern Democrats. A modern historian, H. H. Simms, has discussed Douglas' motives in introducing the bill and the results of the law's operation.²

HISTORIANS HAVE LONG SPECULATED as to the motives that prompted Douglas to bring forward a measure which was so loaded with dynamite as the proposal in 1854. Some have found the explanation in his devotion to the principle of local self-government, others in his desire to get Southern support for the presidency, and others in his wish that Chicago might be the eastern terminus of a transcontinental railroad. . . . The situation in Missouri was one of the factors giving momentum to the movement for repeal of the Act of 1820. For some years before 1854, North-South sectional rivalry had been developing over possible routes for a transcontinental railroad. Memphis, St. Louis, Chicago, Superior (Wisconsin), New Orleans, and other places, each had its champions as an eastern terminus for the road. The organization of the territory of New Mexico and the purchase of a strip of territory from Mexico by James Gadsden seemed to make practicable a proposed Southern transcontinental road. Moreover, Jefferson Davis, Secretary of War in Pierce's Cabinet and very influential in the Councils of the Administration, was keenly awake to the interests of his section. Douglas, as Professor Hodder points out, had long been interested in a transcontinental rail-

² H. H. Simms, *A Decade of Sectional Controversy, 1851-1861* (Chapel Hill: University of North Carolina Press, 1912), pp. 63-65, 72-71, 75-77, 78-80. Used by permission of the publisher.

road, and realized that it was necessary to organize a territorial government in the Nebraska country, if the Southern advantages were to be overcome. This organization could be made possible only by Southern votes, which would not be forthcoming unless the Missouri restriction were removed. Hodder explains that the separation into two territories was the result of conflicting railroad interests in Missouri and Iowa. As a practical politician, Douglas could not proclaim that his measure was for the purpose of thwarting Davis' Southern transportation schemes, but the *Chicago Times*, the powerful Douglas organ in Chicago . . . expressed in glowing terms what it felt the Kansas-Nebraska Act meant to the Northwest. Referring to a land grant by Congress to Iowa to aid in construction of four railroads and a branch road, this paper said that they were four of the Chicago railroads extended "to the Missouri river, over one of the richest states in the Union." By that Act, it continued, "He [Douglas] opened Nebraska to the people of the Northwest, and he opened a way to the Pacific through Nebraska from the Missouri river. Let these roads be built to the Missouri, and who doubts that the first road to the Pacific commences at a point connecting with these roads, which in fact are but extensions of Chicago railroads. Was this no boon, no advantage to Chicago? Did this great act deserve at the hands of a Chicago meeting insult, calumny, outrage and violence?—It was said that in opening these Territories, that a railroad might find its way hence to the Pacific, he agreed that the people who might settle there, might have African slavery if they thought fit to have it. He did do so. He could not consent to shut Chicago out of a fair competition for the route to the Pacific, on the miserable plea that it was unsafe to trust the people of Nebraska and Kansas, with a right possessed by the people of Kentucky and Iowa, of Missouri and Illinois.—He struck down the Missouri restrictions, declared the people competent to govern themselves, and by so doing laid an empire at the feet of Chicago. For this Chicago mobbed him. For this the bells tolled the people to riot and disorder; for this the pulpits thundered with anathemas." . . .

Had Kansas been settled in a normal, natural way, it is easily conceivable that it would soon have become a free state, and that Douglas would have secured the transcontinental railroad route which he favored. But immigration to Kansas did not proceed in normal fashion. When the Kansas-Nebraska Act was being considered

in Congress, the Massachusetts Legislature, largely as a result of the efforts of Eli Thayer, enacted a measure creating the Massachusetts Emigrant Aid Society. . . . The purposes of the Society were to make Kansas a free state, and to realize profit in carrying out that venture. Other aid societies came into existence in the same year (1854) and in 1855. The activities and purposes of the societies were given considerable prominence in the Eastern newspapers. Thayer announced at a meeting held in New York to form a Kansas League that the Massachusetts Company would have one thousand emigrants on the way to Kansas by September 1, 1854, and expected to send twenty thousand within a year. He explained that expenses for transportation would be provided, and that homes would be erected for settlers until they could build their own. He predicted that they would "beard oppression in its very den," and would assail slavery in sections of the South after Kansas was made free. *The New York Tribune* assured its readers, in urging emigration, that the Missouri slaveholders were determined to secure both Kansas and Nebraska "as fields for nigger-breeding and nigger-flogging," and that, indeed, there was "no hope of deliverance" from them in "the entire Union," unless freedom won in Kansas.

The Northern emigrant aid movement influenced greatly the developments in Missouri and the currents of sentiment in the South. Atchison and Benjamin F. Stringfellow, pro-slavery extremists, urged the people of Missouri to resist the unnatural and allegedly aggressive efforts of Northern "fanatics" to secure Kansas. In the opinion of [David R.] Atchison, a free Kansas meant no further extension of slavery and it portended an attack upon the institution in Arkansas, Texas and Missouri. Since Thayer had said as much, that contention seemed plausible. At any rate, Kansas free meant that Missouri except on its Southern border would be encircled by free states, a situation that was felt to be dangerous to the existence of slavery in the latter state. A pro-slavery group in Kansas issued an address November 20, 1854, urging the defeat of Robert Fleniken, Free-Soil candidate for delegate to Congress, on the ground that "Those abolitionists were literally shipped from the New England states for the avowed purpose of abolishing Kansas, with the ultimate view of the more effectually assailing the institutions of our neighboring states of Missouri, Arkansas and Texas." . . .

The reaction to the developments in Kansas

was usually partisan in nature. The *Chicago Press* thought the action of the pro-slavery group "a flagrant outrage," but the *Chicago Times* felt that the North was the aggressor, that it had caused the trouble by sending men to Kansas at "fifty dollars a head." The usually conservative *Mobile Daily Advertiser* declared that the prime cause of the troubles in Kansas were the Emigrant Aid Societies, that they had thrown "down the gage to the Southern settlers." Senator H. S. Geyer of Missouri felt at the time of the passage of the Kansas-Nebraska Act that Kansas would be a free state, but now he thought that the activities of the Societies had checked the tendency in that direction. On the other hand, Senator Hale, claiming that the Societies not only had a right to exist but had been "invited" to do so by the passage of the Kansas-Nebraska Act, construed the action of the Missourians [in crossing the border to vote in Kansas elections] as that of invasion and conquest. Some of the papers that had sprung up in Kansas did not use language as dignified as that cited above. Emigrants sent by the Aid Societies were characterized as "miserable serfs," "miserable scum," "lawless banditti" and "paupers and cutthroats," while those who came from the South were called "bar-room rowdies," "blacklegs," and "border ruffians" who were "parading the country chopping single persons, who chance to fall into their hands, to pieces, and frightening women and children."

If it be granted, as Senator Hale contended, that the Kansas-Nebraska measure represented an "invitation" to the Emigrant Aid Companies to come into existence, it is nevertheless unfortunate that the invitation was accepted. The numbers they were sending or were going to send to Kansas were much exaggerated. In fact, a considerable number who went to the Territory were disappointed and left without registering a claim after they found that the economic situation was not what it had been represented as being. The organized Missouri exodus on the election date in 1855, which naturally aroused the North, would probably not have occurred had the Aid movement, greatly magnified in the popular imagination, not stimulated it. It was said that the Northern emigrant groups were going to abolitionize certain slave areas, but as most of them were anti-Negro . . . , it is hardly probable that they meant to make such efforts. Yet in the South they seem to have been generally regarded as abolitionists. One who has made a careful study of the Emigrant Aid Societies has

concluded that they stirred public feeling to a high emotional pitch in the South and East, but that they "had practically nothing to do with making Kansas a free state." Migration from the Western states was the factor that achieved that goal.

Political developments in Kansas after the territorial election of March, 1855, augured anything but well for the ultimate success of popular sovereignty. On the basis of alleged irregularities in six of the eighteen election districts, [Governor] Reeder rejected eight of the thirty-one members of the legislature, and when supplementary elections were held to fill their seats, the pro-slavery group refused to participate in them. The anti-slavery men thus elected were, however, unseated by the legislature, and several free-soilers who had been selected in the original election resigned their seats. . . .

The free-soilers, refusing to accept the pro-slavery government thus organized, proceeded to establish a separate one for themselves. Their principal leaders were Charles Robinson and James Lane, the latter of whom was instrumental in securing Sharp's rifles and in making other military preparations which were regarded as essential in resisting the aggressive tactics of the pro-Southern group. After preliminary conventions at Lawrence and Big Springs in August and September, 1855, the anti-slavery group met in Topeka in October and drew up a free constitution which was to be submitted to the people. They also made provision for the election of a governor, a legislature and a member of Congress. The free state group ratified the Topeka Constitution in December, and elected a legislature and governor in the following January. The governorship went to Robinson. . . .

During the years 1855 and 1856, there was a feeling in the South that that section was not doing what it could or should in the colonizing of Kansas. That feeling, which was stimulated in part by appeals from Missouri to the effect that if they lost the October (1856) election all was lost, helped to lead to the expedition of Major Jefferson Buford, of Alabama, to Kansas in 1856. His four hundred followers, who were armed with Bibles instead of with rifles, were promised forty acres of land, free passage to Kansas and means of support for one year after arrival. When they arrived in May, Kansas was on the verge of a small civil war, a situation which was not very conducive to the success of the enterprise. Some of the group became United States soldiers, others left the Territory because

to give the federal court jurisdiction in suits between citizens of different states. The inability to be a citizen was said to be due, not merely to the fact that the Negro had been a slave, but also to the fact that Negroes in the United States were as a whole a degraded people who had not been generally accepted as a part of the body of citizens. The federal court in Missouri overruled the plea in abatement, however, and the case was argued on its merits before a jury. The judge instructed the jury that on the facts the Negro was not entitled to his freedom, and the jury so decided. A writ of error was sued out in the Supreme Court of the United States.

The Dred Scott case was first argued before the Supreme Court in February, 1856. Rumors and speculation varied considerably as to the decision likely to be reached. Some thought the Court would take a safe position, following the precedent established in *Strader v. Graham*, and hold that, whatever the status of Dred Scott while outside the state of Missouri, his status after his return to that state was dependent upon Missouri laws as interpreted by Missouri courts. Others hoped the Supreme Court would go farther. Abolitionists continued to denounce what they regarded as bad faith on the part of the South in bringing about repeal of the Missouri Compromise. Some statesmen argued, in reply, that Congress had no constitutional power to exclude slavery from the territories and that the Missouri Compromise was therefore unconstitutional. They thought a Supreme Court decision to that effect would have a most salutary influence upon public sentiment. They hoped that the Supreme Court would utilize the occasion to announce that the Missouri Compromise had been unconstitutional.

The several justices were divided on a number of questions. It seemed likely that almost every member of the Court would write an opinion differing in some respects from the opinions of his brethren. These opinions, if announced at the time when the case was argued, would be utilized by the various factions interested in the campaign of 1856, adding to partisanship and sectional chaos instead of quelling it, and dragging the Supreme Court into the campaign. Fortunately, in view of this prospect, one of the justices asked that the case be reargued. It was returned to the calendar for that purpose.

Before the case was reargued, the nation chose James Buchanan for the presidency. Buchanan planned to restore peace to the distracted country, not by destroying slavery, but by destroying

agitation over slavery. Hoping to co-ordinate his inaugural address with the decision of the Supreme Court, Buchanan wrote to a member of the Court, Justice Catron, asking him whether the Dred Scott case would be decided before the date of the inauguration. The interest of the President-elect had the effect of speeding consideration of the case, but, even so, the Court was slow in arriving at a decision. The justices still disagreed widely on a number of points. A majority finally came to the conclusion that the case ought to be decided on the analogy of the *Strader* case, leaving the more highly controversial questions undiscussed. Justice Nelson was appointed to write an opinion of the Court to that effect.

Had the Court adhered to this decision, the case would have had little importance in the annals of American jurisprudence. Only the dissenting opinions would have given it notoriety. Unfortunately, before the decision was announced, the majority of the Court learned that Justices McLean and Curtis, both of whom were ardent abolitionists, were determined to discuss in dissenting opinions the power of Congress over slavery in the territories, and to argue that Congress had power over the subject. Southern sympathizers on the Court were determined that such arguments should not be expressed in judicial opinions without an answer from the other side. A change of plans was made, therefore, whereby Chief Justice Taney took over the task of writing the opinion of the Court, dealing at length with the controversial issues involved, leaving the Nelson opinion to be filed as the opinion of Nelson alone.

Having learned that the Supreme Court would probably hold the Missouri Compromise unconstitutional, Justice Catron gave Buchanan advice on strategy. He suggested that Buchanan say in his inaugural address that the question of the constitutionality of the Missouri Compromise had been presented to the appropriate tribunal, the Supreme Court of the United States, and it was due to the high and independent character of the Court to suppose that it would decide and settle a controversy which had so long and seriously agitated the country. In asking for confidence in the Supreme Court, Buchanan would in effect be uniting the executive and judicial departments of the government in support of the southern cause. In spite of pressure from Buchanan and from colleagues, some justices were slow in making up their minds in the case; they did not formulate their opinions

until after the date of the inauguration. Buchanan knew, however, what the decision was to be. As advised by Catron, he made political use of his information. He approved the extension of the principle of majority rule to the subject of slavery in the territories. As to the constitutionality of the exercise of power in this field, it was a judicial question which legitimately belonged to the Supreme Court of the United States and which was now pending before that Court, and would, it was understood, be speedily and finally settled. To the decision of the Court he would, in common with all good citizens, cheerfully submit, whatever it might be.

The decision of the Court was announced on March 6, 1857. The strategy of Taney's argument can be presented in terms of three seemingly simple points:

1. Since Negroes had been regarded as persons of an inferior order at the time when the Constitution was adopted and not as "citizens," the Constitution did not include them in the term "citizens," and did not intend to give them power to sue in the federal courts through the clause which gave jurisdiction in suits between citizens of different states.

2. In any event, no Negro while a slave could be at the same time a citizen with the power to sue in a federal court. Dred Scott had been a slave. He had not become a free man by virtue of the Missouri Compromise, since the Missouri Compromise was unconstitutional. Unless he had some other claim to freedom, he was still a slave and not a citizen and not entitled to sue in a federal court.

3. Whatever Dred Scott's status had been while he was a resident of Illinois, he had returned to Missouri, where his status was determined by Missouri law. The Missouri courts had held that under that law he was still a slave. Therefore, he was not a citizen, and could not sue in a federal court. The case must be dismissed for want of jurisdiction.

Each of the three lines of argument led to a denial of jurisdiction in the circuit court—an arrangement quite satisfactory to the slavery interests, since, if the court had no jurisdiction, it could do nothing toward gaining Dred Scott his freedom. In order to demonstrate in these three ways that the court had no jurisdiction, Chief Justice Taney discussed and took a position on the controversial questions involved in the case. He made statements which were either misunderstood or grossly misinterpreted by abolitionist critics. He declared, for example, that

at the time of the adoption of the Constitution Negroes were considered as a subordinate and inferior class of beings, who, "whether emancipated or not, yet remained subject to their authority, and had no rights or privileges but such as those who held the power and the government might choose to grant them." He stated that it was not the province of the Supreme Court to decide upon the justice or injustice, the policy or impolicy, of these laws. Elsewhere he rephrased his statement about the status of Negroes at the time when the Constitution was adopted, unfortunately without repeating his comment that justice or injustice, policy or impolicy, were not the questions for the Court to decide. Negroes had been deemed so far inferior, he said, "that they had no rights which the white man was bound to respect." The phrase was torn from its context by critics of the decision and published as a statement by Taney that the Negro had no rights which the white man was bound to respect. . . .

The argument that Negroes could not now be citizens within the meaning of the Constitution because they had not been so regarded at the time of the adoption of the Constitution was not a new argument. It had been used by other southern statesmen, and Taney had used it in an opinion as Attorney General of the United States twenty-five years before the date of the Dred Scott decision. In spite of the historical research of Taney and his colleagues and of historians of later years, it is no easy matter to decide whether Taney was right or wrong. As to his assumption, however, that the meaning of the words of the Constitution is fixed and unchanging, and does not adjust itself to the changing conceptions of other years, the Constitution would long since have had to be abandoned had it lacked the flexibility which Taney failed to find in it. In this instance a constitutional amendment was required to change the definition of citizenship. The great mass of constitutional changes, however, have come about through interpretation rather than formal amendment.

Taney's second point was a rejection of the contention that Dred Scott had become a free man by virtue of residence in territory covered by the Missouri Compromise. The Missouri Compromise, he held, was unconstitutional. Congress had no power to interfere with the property of a slaveowner in the process of governing territory. Any territory acquired by the United States was acquired for the benefit of the people of the several states who created it. The federal

government had the duty, as well as the power, to provide for the government of the territory acquired, not on the basis of the constitutional provision authorizing the establishment of rules and regulations for the government of territory—which applied only to territory held by the United States at the time of the adoption of the Constitution—but on the basis of the power to acquire territory. The power to govern, however, was not an absolute power. In the government of territory, Congress was limited by the provisions of the Constitution. Congress could not interfere with freedom of religion or freedom of speech. It could not deny the right to keep and bear arms or the right of trial by jury. It could not compel anyone to be a witness against himself in a criminal proceeding. It could not impair the rights of private property.

Thus the rights of property are united with the rights of person, and placed on the same ground by the Fifth Amendment to the Constitution which provides that no persons shall be deprived of life, liberty, and property, without due process of law. And an act of Congress which deprives a citizen of the United States of his liberty or property, merely because he came himself or brought his property into a particular territory of the United States, and who had committed no offense against the laws, could hardly be dignified with the name of due process of law.

The prohibition of congressional interference with property, Taney contended, was not confined to the area of the states, but extended to the whole territory over which the Constitution gave it power to legislate, including those portions remaining under territorial government. He denied the relevance of the contention that under international law there was a difference between property in slaves and other property. The question involved was not one of international law, but of the law of the Constitution of the United States. The Constitution in certain provisions recognized the right of property of the master in a slave. Congress had no power to take away that right.

The logic of this argument led to the same result as that of the argument based on the alleged inability of a Negro to be a citizen. Dred Scott had not become free by virtue of residence in territory in which it was provided by an unconstitutional act of Congress that slavery should not exist. Since he had not become free, he remained a slave; and, since he was a slave, he could not be a citizen within the meaning of the

Constitution. Since he was not a citizen, the federal circuit court had no jurisdiction in a suit brought by him on the basis of diversity of citizenship.

Taney's third point, dealing with the effect of Scott's residence in Illinois, was essentially the point made in *Strader v. Graham*; namely, whatever the temporary effect of residence in Illinois upon his status, the laws of Missouri determined his status after his voluntary return to that state. Since the courts of that state had decided that he was a slave, the federal circuit court must accept that decision. Since he was a slave, he could not bring a suit in the federal court on the basis of diversity of citizenship.

The latter point, it will be recalled, was the one on which the Supreme Court originally planned to decide the entire case. Unquestionably the case could have been decided in this manner without discussion of the controversial matters dealt with under other headings. Furthermore, since under his first point Taney had taken the position that no Negro could be a citizen within the meaning of the Constitution it was not necessary to decide the further question whether Congress had the power to provide that slavery should not exist in territories of the United States, thereby incidentally giving freedom to a slave taken by his master into such territory.

Northern people and the Northern press denounced Taney for deciding questions not necessary to the decision of the case. In the light of history it is clear that Taney made a strategic error. By handling the case in this manner, he hoped he could do something toward suppressing anti-slavery agitation and ward off the conflict between the two sections of the country. The decision had the opposite effect. . . .

Justices McLean and Curtis wrote long dissenting opinions. They attempted both to answer Taney's arguments and to condemn him for the decision of questions not necessary to the decision of the case. Of the other members of the Court, Justices Wayne, Nelson, Grier, Daniel, and Catron also wrote opinions. As is usually true, the additional opinions weakened rather than strengthened the position of the majority. This effect was heightened because some members agreed that certain points discussed by the Chief Justice were not properly before the Court. The northern press of the country made full use of the dissenting opinions and of disagreements among the majority and of unfortunate phrases in Taney's opinion to

discredit the decision and the Supreme Court itself. It is safe to say that no decision in American history has done more to injure the reputation of the Supreme Court. Skillfully used by abolitionist propagandists, it played an important part, not in postponing the conflict between the North and the South, but in bringing on the crisis.

4. THE LINCOLN-DOUGLAS DEBATES OF 1858

Douglas refused to support an administration bill to admit Kansas as a slave state on the grounds that it violated popular sovereignty. For this he was repudiated by the administration and also by southerners, who now preferred the Dred Scott decision. In his senatorial race for reelection, his opponent, Abraham Lincoln, forced him to take a stand between these two principles. His answer, known as the "Freeport Doctrine," to the second of Lincoln's questions, won him reelection but further hurt his chances for southern presidential support in 1860. A portion of the Freeport debate is given below.⁴

LINCOLN:

I WILL TAKE UP the Judge's [Douglas] interrogatories as I find them printed in the *Chicago Times*, and answer them *seriatim*. In order that there may be no mistake about it, I have copied the interrogatories in writing, and also my answers to it. The first of these interrogatories is in these words:—

Question 1.—"I desire to know whether Lincoln to-day stands as he did in 1854, in favor of the unconditional repeal of the Fugitive Slave law?"

Answer.—I do not now, nor ever did, stand in favor of the unconditional repeal of the Fugitive-Slave law.

Q. 2. "I desire him to answer whether he stands pledged to-day, as he did in 1854, against the admission of any more Slave States into the Union, even if the people want them?"

A. I do not now, nor ever did, stand pledged against the admission of any more Slave States into the Union.

Q. 3. "I want to know whether he stands pledged against the admission of a new State into the Union with such a Constitution as the people of that State may see fit to make?"

⁴E. E. Sparks, ed., "The Lincoln-Douglas Debates of 1858," Illinois State Historical Library, Collections (Springfield, 1908), III, pp. 148-152, 159-165. Used by permission of the Illinois State Historical Library.

A. I do not stand pledged against the admission of a new State into the Union, with such a Constitution as the people of that State may see fit to make.

Q. 4. "I want to know whether he stands to-day pledged to the abolition of slavery in the District of Columbia?"

A. I do not stand to-day pledged to the abolition of slavery in the District of Columbia.

Q. 5. "I desire him to answer whether he stands pledged to the prohibition of the slave trade between the different States?"

A. I do not stand pledged to the prohibition of the slave trade between the different states.

Q. 6. "I desire to know whether he stands pledged to prohibit slavery in all the Territories of the United States, north as well as south of the Missouri Compromise line?"

A. I am impliedly, if not expressly, pledged to a belief in the right and duty of Congress to prohibit slavery in all the United States Territories.

Q. 7. "I desire him to answer whether he is opposed to the acquisition of any new territory unless slavery is first prohibited therein?"

A. I am not generally opposed to honest acquisition of territory; and, in any given case, I would or would not oppose such acquisition, accordingly as I might think such acquisition would or would not aggravate the slavery question among ourselves.

Now, my friends, it will be perceived, . . . that so far I have only answered that I was not pledged to this, that or the other. . . . But I am not disposed to hang upon the exact form of his interrogatory. I am rather disposed to take up at least some of these questions, and state what I really think upon them.

As to the first one . . . I have never hesitated to say, and I do not now hesitate to say, that I think, under the Constitution of the United States, the people of the Southern States are entitled to a Congressional Fugitive-Slave law. . . .

The fourth one is in regard to the abolition of slavery in the District of Columbia. In relation to that, I have my mind very distinctly made up. I should be exceedingly glad to see slavery abolished in the District of Columbia. I believe that Congress possesses the constitutional power to abolish it. Yet as a member of Congress, I should not, with my present views, be in favor of endeavoring to abolish slavery in the District of Columbia, unless it would be upon these conditions: First, that the abolition should be grad-

ual; *second*, that it should be on a vote of the majority of qualified voters in the District; and *third*, that compensation should be made to unwilling owners. With these three conditions, I confess I would be exceedingly glad to see Congress abolish slavery in the District of Columbia. . . .

I now proceed to propound to the Judge the interrogatories, so far as I have framed them. I will bring forward a new installment when I get them ready. I will bring them forward now, only reaching to number four.

The first one is: —

Question 1. If the people of Kansas shall, by means entirely unobjectionable in all other respects, adopt a State Constitution, and ask admission into the Union under it, *before* they have the requisite number of inhabitants according to the English bill, — some ninety-three thousand, — will you vote to admit them?

Q. 2. Can the people of a United States Territory, in any lawful way, against the wish of any citizen of the United States, exclude slavery from its limits prior to the formation of a State constitution?

Q. 3. If the Supreme Court of the United States shall decree that States cannot exclude slavery from their limits, are you in favor of acquiescing in, adopting, and following, such a decision as a rule of political action?

Q. 4. Are you in favor of acquiring additional territory, in disregard of how such acquisition may affect the nation on the slavery question? . . .

DOUGLAS:

. . . I will first respond to these which he has presented to me. Mark you, he has not presented interrogatories which have ever received the sanction of the party with which I am acting, and hence he has no other foundation for them than his own curiosity.

First, he desires to know if the people of Kansas shall form a constitution by means entirely proper and unobjectionable, and ask admission into the Union as a State, before they have the requisite population for a member of Congress, whether I will vote for that admission. Well, now, I regret exceedingly that he did not answer that interrogatory himself before he put it to me, in order that we might understand, and not be left to infer, on which side he is. . . .

But I will answer his question. In reference to Kansas, it is my opinion that as she has popula-

tion enough to constitute a Slave State, she has people enough for a Free State. . . .

The next question propounded to me by Mr. Lincoln is, Can the people of a Territory in any lawful way, against the wishes of any citizen of the United States, exclude slavery from their limits prior to the formation of a State constitution? I answer emphatically, as Mr. Lincoln has heard me answer a hundred times from every stump in Illinois, that in my opinion the people of a Territory can, by lawful means, exclude slavery from their limits prior to the formation of a State constitution. Mr. Lincoln knew that I had answered that question over and over again. He heard me argue the Nebraska bill on that principle all over the State in 1854, in 1855, and in 1856, and he has no excuse for pretending to be in doubt as to my position on that question. It matters not what way the Supreme Court may hereafter decide as to the abstract question whether slavery may or may not go into a Territory under the Constitution, the people have the lawful means to introduce it or exclude it as they please, for the reason that slavery cannot exist a day or an hour anywhere, unless it is supported by local police regulations. These police regulations can only be established by the local legislature; and if the people are opposed to slavery, they will elect representatives to that body who will by unfriendly legislation effectually prevent the introduction of it into their midst. If, on the contrary, they are for it, their legislation will favor its extension. Hence, no matter what the decision of the Supreme Court may be on that abstract question, still the right of the people to make a Slave Territory or a Free Territory is perfect and complete under the Nebraska bill. I hope Mr. Lincoln deems my answer satisfactory on that point. . . .

The third question which Mr. Lincoln presented is, If the Supreme Court of the United States shall decide that a State of this Union cannot exclude slavery from its own limits will I submit to it? I am amazed that Mr. Lincoln should ask such a question. . . . Mr. Lincoln's object is to cast an imputation upon the Supreme Court. He knows that there never was but one man in America, claiming any degree of intelligence or decency, who ever for a moment pretended such a thing. It is true that the *Washington Union*, in an article published on the 17th of last December, did put forth that doctrine, and I denounced the article on the floor of the Senate, in a speech which Mr. Lincoln now pretends was against the President. The

Union had claimed that slavery had a right to go into the Free States, and that any provision in the Constitution or laws of the Free States to the contrary were null and void. I denounced it in the Senate, as I have said before, and I was the first man who did. Lincoln's friends, Trumbull, and Seward, and Haie, and Wilson, and the whole Black Republican side of the Senate, were silent. They left it to me to denounce it. . . .

He casts an imputation upon the Supreme Court of the United States, by supposing that they would violate the Constitution of the United States. I tell him that such a thing is not possible. It would be an act of moral treason that no man on the bench could ever descend to. Mr. Lincoln himself would never in his partisan feelings so far forget what was right as to be guilty of such an act.

The fourth question of Mr. Lincoln's is, Are you in favor of acquiring additional territory, in disregard as to how such acquisition may affect the Union on the Slavery question? This question is very ingeniously and cunningly put.

The Black Republican creed lays it down expressly that under no circumstances shall we acquire more territory, unless slavery is first prohibited in the country. I ask Mr. Lincoln whether he is in favor of that proposition. Are you [addressing Mr. Lincoln] opposed to the acquisition of more territory, under any circumstances, unless slavery is prohibited in it? That he does not like to answer. When I ask him whether he stands up to that article in the platform of his party, he turns, Yankee-fashion, and without answering it, asks me whether I am in favor of acquiring territory without regard to how it may affect the Union on the slavery question. I answer that whenever it becomes necessary, in our growth and progress, to acquire more territory, that I am in favor of it, without reference to the question of slavery; and when we have acquired it, I will leave the people free to do as they please, either to make it slave or free

territory as they prefer. It is idle to tell me or you that we have territory enough. Our fathers supposed that we had enough when our territory extended to the Mississippi River; but a few years' growth and expansion satisfied them that we needed more, and the Louisiana Territory . . . was acquired. Then we acquired Oregon, then California and New Mexico. We have enough now for the present; but this is a young and a growing nation. It swarms as often as a hive of bees, and its new swarms are turned out each year, there must be hives in which they can gather and make their honey.

In less than fifteen years, if the same progress that has distinguished this country for the last fifteen years continues, every foot of vacant land between this and the Pacific Ocean, owned by the United States, will be occupied. Will you not continue to increase at the end of fifteen years as well as now? I tell you, increase, and multiply, and expand, is the law of this nation's existence. You cannot limit this great Republic by mere boundary lines, saying, "Thus far shalt thou go, and no farther." Any one of you gentlemen might as well say to a son twelve years old that he is big enough, and must not grow any larger; and in order to prevent his growth, put a hoop around him to keep him to his present size. What would be the result? Either the hoop must burst and be rent asunder, or the child must die. So it would be with this great nation. With our natural increase, growing with a rapidity unknown in any other part of the globe, with the tide of emigration that is fleeing from despotism in the old world to seek refuge in our own, there is a constant torrent pouring into this country that requires more land, more territory upon which to settle; and just as fast as our interests and our destiny require additional territory in the North, in the South, or on the islands of the ocean, I am for it; and when we acquire it, will leave the people, according to the Nebraska bill, free to do as they please on the subject of slavery and every other question.

II

Issues of the Election of 1860

JOHN BROWN'S RAID AND EXECUTION, strong Republican gains in the 1858 election, Buchanan's veto of a homestead bill, and a northern recession blamed on southern policies, all helped to increase sectional tension. In the 1860 Democratic convention pro-

Douglas northerners made it clear that they were no longer willing to accede to radical southern demands. On the other hand, southerners rejected the candidacy of Douglas claiming that his views and past actions made him nearly as dangerous as the Republicans to their cause. Consequently, they walked out of the convention and later chose John C. Breckinridge as their nominee. Thus each candidate, Douglas and Breckinridge, was announced as the true representative of the Democratic Party. In hopes of saving the Union a group composed mostly of older and border-state men formed still a fourth party, the Constitutional Union Party, which proposed to ignore all sectional questions. Below are given the platforms of the four parties.⁵

1. THE DOUGLAS DEMOCRATS

1. *Resolved*, That we, the Democracy of the Union, in convention assembled, hereby declare our affirmance of the resolutions unanimously adopted and declared as a platform of principles by the Democratic convention at Cincinnati in the year 1856, believing that Democratic principles are unchangeable in their nature when applied to the same subject-matters; and we recommend as the only further resolutions the following:—

Inasmuch as differences of opinion exist in the Democratic party as to the nature and extent of the powers of a territorial legislature, and as to the powers and duties of Congress, under the Constitution of the United States, over the institution of slavery within the Territories,—

2. *Resolved*, That it is in accordance with the interpretation of the Cincinnati platform, that, during the existence of the Territorial governments, the measure of restriction, whatever it may be, imposed by the Federal Constitution on the power of the Territorial legislature over the subject of domestic relations, as the same has been, or shall hereafter be, finally determined by the Supreme Court of the United States, should be respected by all good citizens, and enforced with promptness and fidelity by every branch of the general government.

3. *Resolved*, That it is the duty of the United States to afford ample and complete protection to all its citizens, whether at home or abroad, and whether native or foreign.

4. *Resolved*, That one of the necessities of the age, in a military, commercial, and postal point of view, is speedy communication between the Atlantic and Pacific States; and the Democratic party pledge such constitutional government aid as will insure the construction of a railroad to the Pacific coast at the earliest practicable period.

⁵ Edward Stanwood, *A History of the Presidency From 1788 to 1897* (Boston: Houghton Mifflin Co., 1924), pp. 283-284, 286-289, 291-294. Used by permission of the publisher.

5. *Resolved*, That the Democratic party are in favor of the acquisition of the island of Cuba, on such terms as shall be honorable to ourselves and just to Spain.

6. *Resolved*, That the enactments of state legislatures to defeat the faithful execution of the fugitive slave law are hostile in character, subversive of the Constitution, and revolutionary in their effects.

2. THE BRECKINRIDGE DEMOCRATS

Resolved, That the platform adopted by the Democratic party at Cincinnati be affirmed, with the following explanatory resolutions:—

1. That the government of a Territory organized by an act of Congress is provisional and temporary; and, during its existence, all citizens of the United States have an equal right to settle with their property in the Territory, without their rights, either of person or of property, being destroyed or impaired by congressional legislation.

2. That it is the duty of the federal government, in all its departments, to protect, when necessary, the rights of persons and property in the Territories, and wherever else its constitutional authority extends.

3. That when the settlers in a Territory, having an adequate population, form a state constitution, the right of sovereignty commences, and, being consummated by admission into the Union, they stand on an equal footing with the people of other States; and the State thus organized ought to be admitted into the federal Union, whether its Constitution prohibits or recognizes the institution of slavery.

4. That the Democratic party are in favor of the acquisition of the island of Cuba, on such terms as shall be honorable to ourselves and just to Spain, at the earliest practical moment.

5. That the enactments of state legislatures to defeat the faithful execution of the fugitive slave law are hostile in character, subversive of the Constitution, and revolutionary in their effects.

6. That the Democracy of the United States recognize it as the imperative duty of this government to protect the naturalized citizen in all his rights, whether at home or in foreign lands, to the same extent as its native-born citizens.

Whereas, One of the greatest necessities of the age, in a political, commercial, postal, and military point of view, is a speedy communication between the Pacific and Atlantic coasts,—

Therefore be it resolved, That the Democratic party do hereby pledge themselves to use every means in their power to secure the passage of some bill, to the extent of the constitutional authority of Congress, for the construction of a Pacific railroad from the Mississippi River to the Pacific Ocean, at the earliest practical moment.

3. THE CONSTITUTIONAL UNION PARTY

Whereas, Experience has demonstrated that platforms adopted by the partisan conventions of the country have had the effect to mislead and deceive the people, and at the same time to widen the political divisions of the country by the creation and encouragement of geographical and sectional parties, therefore,—

Resolved, That it is both the part of patriotism and of duty to recognize no political principle other than the *Constitution of the country*, the union of the States, and the enforcement of the laws, and that, as representatives of the Constitutional Union men of the country in national convention assembled, we hereby pledge ourselves to maintain, protect, and defend, separately and unitedly, these great principles of public liberty and national safety, against all enemies at home and abroad, believing that thereby peace may once more be restored to the country, the rights of the people and of the States reestablished, and the government again placed in that condition of justice, fraternity, and equality which, under the example and Constitution of our fathers, has solemnly bound every citizen of the United States to maintain a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

4. THE REPUBLICANS

Resolved, That we, the delegated representatives of the Republican electors of the United States, in convention assembled, in discharge of the duty we owe to our constituents and our

country, unite in the following declarations:—

1. That the history of the nation, during the last four years, has fully established the propriety and necessity of the organization and perpetuation of the Republican party, and that the causes which called it into existence are permanent in their nature, and now, more than ever before, demand its peaceful and constitutional triumph.

2. That the maintenance of the principles promulgated in the Declaration of Independence and embodied in the Federal Constitution,—“that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed”—*is essential to the preservation of our republican institutions; and that the federal Constitution, the rights of the States, and the union of the States must and shall be preserved.*

3. *That to the union of the States this nation owes its unprecedented increase in population, its surprising development of material resources, its rapid augmentation of wealth, its happiness at home, and its honor abroad; and we hold in abhorrence all schemes for disunion, come from whatever source they may; and we congratulate the country that no Republican member of Congress has uttered or countenanced the threats of disunion so often made by Democratic members, without rebuke and with applause from their political associates; and we denounce those threats of disunion, in case of a popular overthrow of their ascendancy, as denying the vital principles of a free government, and as an avowal of contemplated treason, which it is the imperative duty of an indignant people sternly to rebuke and forever silence.*

4. That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of powers on which the perfection and endurance of our political fabric depends; and we denounce the lawless invasion by armed force of the soil of any State or Territory, no matter under what pretext, as among the gravest of crimes.

5. That the present Democratic administration has far exceeded our worst apprehensions, in its measureless subservency to the exactions of a sectional interest, as especially evinced in its

desperate exertions to force the infamous Le-compton constitution upon the protesting people of Kansas; in construing the personal relation between master and servant to involve an unqualified property in person; in its attempted enforcement, everywhere, on land and sea, through the intervention of Congress and of the Federal courts, of the extreme pretensions of a purely local interest; and in its general and unvarying abuse of the power intrusted to it by a confiding people.

6. That the people justly view with alarm the reckless extravagance which pervades every department of the federal government; that a return to rigid economy and accountability is indispensable to arrest the systematic plunder of the public treasury by favored partisans; while the recent startling developments of frauds and corruptions at the Federal metropolis show that an entire change of administration is imperatively demanded.

7. That the new dogma that the Constitution, of its own force, carries slavery into any or all of the Territories of the United States, is a dangerous political heresy, at variance with the explicit provisions of that instrument itself, with contemporaneous exposition, and with legislative and judicial precedent; is revolutionary in its tendency, and subversive of the peace and harmony of the country.

8. That the normal condition of all the territory of the United States is that of freedom; that as our republican fathers, when they had abolished slavery in all our national territory, ordained that no person should be deprived of life, liberty, or property without due process of law, it becomes our duty, by legislation, whenever such legislation is necessary, to maintain this provision of the Constitution against all attempts to violate it; and we deny the authority of Congress, of a territorial legislature, or of any individual, to give legal existence to slavery in any Territory of the United States.

9. That we brand the recent reopening of the African slave-trade, under the cover of our national flag, aided by perversions of judicial power, as a crime against humanity, and a burning shame to our country and age; and we call upon Congress to take prompt and efficient measures for the total and final suppression of that execrable traffic.

10. That in the recent vetoes, by their federal governors, of the acts of the legislatures of Kansas and Nebraska, prohibiting slavery in those Territories, we find a practical illustration

of the boasted Democratic principle of non-intervention and popular sovereignty, embodied in the Kansas-Nebraska Bill, and a demonstration of the deception and fraud involved therein.

11. That Kansas should of right be immediately admitted as a State under the Constitution recently formed and adopted by her people and accepted by the House of Representatives.

12. That, while providing revenue for the support of the general government by duties upon imports, sound policy requires such an adjustment of these imposts as to encourage the development of the industrial interests of the whole country; and we commend that policy of national exchanges which secures to the working-men liberal wages, to agriculture remunerating prices, to mechanics and manufacturers an adequate reward for their skill, labor, and enterprise, and to the nation commercial prosperity and independence.

13. That we protest against any sale or alienation to others of the public lands held by actual settlers, and against any view of the free-homestead policy which regards the settlers as paupers or suppliants for public bounty; and we demand the passage by Congress of the complete and satisfactory homestead measure which has already passed the House.

14. That the Republican party is opposed to any change in our naturalization laws, or any state legislation by which the rights of citizenship hitherto accorded to immigrants from foreign lands shall be abridged or impaired; and in favor of giving a full and efficient protection to the rights of all classes of citizens, whether native or naturalized, both at home and abroad.

15. That appropriations by Congress for river and harbor improvements of a national character, required for the accommodation and security of our existing commerce, are authorized by the Constitution, and justified by the obligations of government to protect the lives and property of its citizens.

16. That a railroad to the Pacific Ocean is imperatively demanded by the interests of the whole country; that the federal government ought to render immediate and efficient aid in its construction; and that, as preliminary thereto, a daily overland mail should be promptly established.

17. Finally, having thus set forth our distinctive principles and views, we invite the cooperation of all citizens, however differing on other questions, who substantially agree with us in their affirmance and support.

III

Interpretations of the Causes of the War

SHORTLY AFTER THE ELECTION OF LINCOLN, and before his inauguration, the southern states began seceding. On February 4, 1861, representatives of seven of them met at Montgomery, Alabama, and organized a new government, the Confederate States of America. Events moved swiftly and on April 12 the Confederates fired upon Fort Sumter at Charleston, South Carolina, and the war was on.

War, however, is not the product of a single action but the result of numerous factors, some preceding the event by years and often by generations. This fact is made obvious in the following extract by Professor Howard K. Beale, describing the various schools of historical thought and their attempts to fix the cause or causes of the Civil War.⁶

HISTORIANS, whatever their predispositions, assign to the Civil War causes ranging from one simple force or phenomenon to patterns so complex and manifold that they include . . . all the important movements, thoughts, and actions of the decades before 1861. One writer finds in events of the immediately preceding years an adequate explanation of the War; another feels he must begin his story with 1831 or even 1820; still another goes back to the importation of the first slaves, to descriptions of geographic differences before white men appeared, or to differentiation in Europe between those who settled North and South. . . . Responsibility has been ascribed both to actions of men and to forces beyond human control. Conspiracy, constitutional interpretation, human wickedness, economic interest, divine will, political ambition, climate, "irrepressible conflict," emotion, rival cultures, high moral principles, and chance have severally been accredited with bringing on the War. There is a Marxian interpretation; also a racist theory. . . .

Conspiracy of selfish or wicked men — under what one might call the "devil theory" of history — was once widely accredited, particularly in the period from 1861 to 1900, as a cause of the Civil War. Indeed, some writers have called it "the cause." But there are Southern "devils"

and Northern "devils," and this conspiracy hypothesis has two faces.

Southern writers describe an aggressive North determined to destroy the South and its institutions. Chief among the offenders, of course, were the abolitionists bent on stirring up servile insurrection and encouraging slaves to escape. The peace of the Union was disturbed by the fanaticism of the abolition attack; forces in the South that might require apology are explained as part of the South's reaction to the unreasonable outburst against it, and may therefore be blamed upon the abolitionists. Important factors that brought on the War were: the *Liberator*; anti-slavery societies; irritating activities of the anti-slavery forces in Congress led by John Quincy Adams and Joshua Giddings in the 'thirties and 'forties; the organized flood of abolition petitions; formation of the Free-Soil Party; efforts to deprive the South of its just gains in the settling of Texas and winning the Mexican War; the persistent reappearance of the Wilmot Proviso; machinations of the New England Emigrant Aid Society; John Brown's activities in Kansas including the "Potawatomi massacre"; Northern refusal to admit Kansas under the Lecompton Constitution; free-state men's refusal to obey the Fugitive Slave Act; successful work of the Underground Railway; personal liberty laws and slave rescues; attacks on the slave trade and slavery in the District of Columbia; anti-Southern activities of anti-slavery clergy, speakers, and press; charges that Southern institutions and Southerners themselves were evil; organization of the Republicans as a sec-

⁶ H. K. Beale, "What Historians Have Said About the Causes of the Civil War," *Theory and Practice in Historical Study: A Report Of The Committee on Historiography* (New York: Social Science Research Council, 1946), pp. 55-81. Used by permission of the Social Science Research Council.

tional party bent on ruining and then ruling the South; Republicans' espousal of the anti-slavery cause; their circulation of *Uncle Tom's Cabin* and Helper's *Impending Crisis*; attacks of Chase, Seward, and Sumner in Congress; Northern refusal to accept the Dred Scott Decision; reputed Republican intention to destroy slavery in the states; the North's greed for power and determination to aggrandize itself; Lincoln's "radical" anti-slavery, anti-Southern attitudes; Lincoln's election with all it implied in Southern minds; Republican defeat of compromise efforts; attempts to provision Sumter; and Republican determination to "coerce" Southern states. . . . Northern attack, they maintain, forced the South to secede, and later to fight, purely in self-defense.

A Northern counterpart of this explanation portrays a conspiracy of slaveholders determined to rule the Union or break it. The plot had been laid long before the War and the conspirators included men in high national offices who used those offices to further their schemes of overthrowing the Constitution they were sworn to serve. The conspirators' aim was, of course, to force the nation to accept slavery and protect slavery by national power, not only in Southern states but in all territories, and ultimately in Northern states as well. According to the "slaveholders' conspiracy" theory the factors that brought war were much like those named above but with a reverse emphasis. They included: constant attacks on anti-slavery men; the gag resolution by which Congress for a time refused to receive petitions; . . . exclusion of free discussion of slavery in the South; . . . plotting to add to slave area by annexation of Texas and by war with Mexico, coupled with failure to insist upon American claims in Oregon, which would be free territory; later efforts to extend slavery by acquisition of tropical possessions; . . . the plotting of Douglas and pro-slavery senators to pass the Kansas-Nebraska Act and repeal the Missouri Compromise, activities of Missourians in Kansas . . . ; the Dred Scott Decision, described as a conspiracy of slaveholders, Supreme Court, and President; imposition of the obnoxious Fugitive Slave Act upon an unwilling North; kidnaping of free Negroes; smuggling slaves into America and efforts to legalize the foreign slave trade; . . . substitution of a pro-slavery bloc for the old national parties; . . . the Nashville Convention of 1850 and repeated efforts of Rhett, Ruffin, Yancey, and others to break up the Union; the slavery-bred habituation of South-

erners to the use of violence, their brandishing of weapons and threats of duels in Congress, and the attack upon Sumner with subsequent lionizing of Brooks for it; Southerners' scheming to split the Democratic Party at Charleston in 1860 in order to insure Lincoln's election so as to force secession on unwilling Southern Unionists; long-continued control of the federal government by Southerners with the aid of their Northern allies and use of that power to settle issues in their own favor to the injury of the North; the slavocracy's determination to hold on to this power or to destroy the Union when they could no longer control it — in short, to rule or ruin; . . . attack on the Union through secession; seizing of federal properties; and, finally, the firing on Sumter. . . . The North went to war, they say, to defend the Union and the Constitution against unprovoked attack, after repeated violations of the Constitution, breaking of promises, and repudiation of compromise agreements. . . .

As the years passed an increasing number of historians saw the War not as a conspiracy of one group but as a struggle between two groups with irreconcilable interests. . . .

In the first generation, Southerners interpreted the controversy in terms of constitutional theory and Northerners in terms of conflicting moral standards. Between 1861 and 1900, Southerners, particularly leaders in the losing cause, wrote histories and memoirs seeking to justify their own course by maintaining that they fought to protect constitutional principles. The War as described by these men was a contest over types of government. Republicans sought to establish a highly centralized national regime exercising vast powers. Southerners stood firmly on a retention of power in the states where they insisted the framers had meant it to be and where it was the more safely and wisely exercised. A parallel was drawn between the eleven Southern states in 1861 and the thirteen colonies in 1776, both acting on the motive of protecting themselves against oppression. This view denied slavery as a major cause of war and stressed instead the menace of concentration of power in the central government. . . . It was Northern destruction of the Union as established by the fathers . . . and Northern violation of constitutional guarantees that forced Southerners reluctantly to withdraw from a compact, already broken, in which there was no longer safety for them. . . .

In Northern histories during this period from 1861 to 1900, slavery as a moral issue played the

role that loyalty to the compact theory and state rights did among Southerners as an explanation of the sectional clash. For a generation or two after the War most Northern writers talked of the "irrepressible conflict" between freedom and slavery. Slavery had been planted in the Constitution, so this version ran, but Northerners came to realize that it was contrary to the principles of American democracy and had to be extirpated. First the abolitionists and then more moderate men became aroused over the evil nature of the institution and the wickedness of men who would profit by slavery. *Uncle Tom's Cabin*, contact with fugitive slaves, political agitation of the subject, and clerical denunciation of human bondage finally aroused the Northern conscience to a determination to prevent its extension and as speedily as possible to destroy slavery itself. . . . Just as early Southern historians condemned abolitionists as fanatics, so these Northern writers praised them as moral crusaders. . . .

About the turn of the century, the emphasis began to change. Nearly everyone in every period had stressed the importance of the abolition campaign if only as an irritant to Southerners and conservative Northerners, but following World War I a generation of historians impressed with the importance of economic motivation came to deny that slavery as a moral issue was an important cause of the War. Charles and Mary Beard led the way. Others accepted this rejection of moral motivation until, in the nineteen-thirties, Gilbert H. Barnes and Dwight L. Dumond restudied the anti-slavery movement and came to the conclusion that the moral issue of slavery and abolitionist propaganda were after all important. . . .

Slavery described in terms other than morality has continued important in historical interpretation. Thus the slavery controversy has been variously pictured as a rivalry of political systems and of men aspiring to public office, as a struggle of political philosophies for supremacy in the nation, as a conflict of competing social systems each endangering the other, and as a clash of economic interests. Some have stressed the mutual jealousy of two labor systems and have said the quarrel arose because the slaveholder on the one hand and the nonslaveholding farmer and wage-earner on the other feared the effect of the rival labor system upon his own. . . .

However they have interpreted slavery, most historians have agreed that westward expansion precipitated a crisis in the sectional conflict.

Over the status of slavery in the trans-Missouri frontier and in foreign territory that Americans annexed or coveted came the clash. There compromise proved impossible. . . . Many Northern writers have agreed with Lincoln that the struggle would have gone on until the land was all free or all slave and that the trend until 1860 was toward the country's becoming all slave, and have felt that this tendency made war necessary. Southern writers who have denounced Lincoln because his "house divided" speech indicated a determination to destroy slavery everywhere have still justified Southern secession, either on the ground that slavery to exist required federal protection as a right in all the territories, or else because slavery had to expand to survive. . . .

Since World War I, historians have tended to shift emphasis from conspiracy, state rights arguments, and slavery, all three, and to talk in terms of broader political, economic, or social conflict. This does not mean that earlier writers failed to see economic and social issues or that recent writers have discarded slavery, as causes of war. Simply the emphasis has changed.

In a period when courses in civilization and histories of civilization and study of cultures have become popular, some writers talk of the Civil War as a collision of civilizations or cultures. . . . But culture and civilization are large terms. There are more specific explanations.

One is a stressing of the spirit of nationalism. This historic force, powerful all over the western world, took possession of North and South in different degrees. Western development and Northern economic interest and growth created practical conditions that gave many Northerners a sense of American nationality lacking in the South. . . . The South, for its part, was divided among men like the mountain Unionists loyal to an American nationality, other men like Davis himself strongly influenced by nationalism but in whom it assumed an aggressively Southern form, and still others untouched by and opposed to this nineteenth century phenomenon in either its American or its Southern form. . . .

Some writers have found seeds of war in the wide differences between the social systems of North and South. To them slavery was essentially a manner of organizing society. Southerners felt that a social order based on a slave class at the bottom provided the greatest stability and happiness for workers and upper classes alike. . . . Northern historians emphasized rather the merits of social democracy and the

evils that an aristocratic system entailed for the vast majority who were not great planters. In any case, here was a struggle between aristocracy and democracy. . . .

Then there was the political phase of the conflict. Politics was important *per se*. Initially the national parties, strong in both sections, had helped bind the Union together. . . . The break-up of these old national parties and the emergence of a purely sectional Republican Party were ominous. Republican gains in 1856 and 1858 and the split in the Democratic Party paved the way for war. . . .

The slavery issue itself, other historians have maintained, was mainly a focus for attack on political enemies. Northern politicians employed it to overthrow and Southerners to sustain Southern political power. . . . Some historians have contended that the issue of slavery in the territories was not really of practical importance to either North or South: climate barred slavery anyway. . . . If these views are correct, mere prestige and "sectional honor," on the one hand, and desire of politicians to make political capital, on the other, stirred up the dispute over territories. . . .

. . . It was under the influence of Charles and Mary Beard that economic interpretation burst into full flower. According to this school, the Civil War arose from a new phase of the old conflict between business and agriculture. With the coming of the industrial revolution to America a new industrialism arose beside the older commercial interest and finally superseded it as the rival of agrarianism. The new industrialism sought from the federal government aid that planter interests and Western farm interests opposed. So long as West and South stood together the new industrialism was powerless. . . .

But, partly, through the new economic ties created by railroad building . . . and partly by a political bargain Republican managers engineered . . . a majority of Northwestern farmers were won to an alliance with North-eastern industrialists against their former allies in the agricultural South. . . . Slavery was used as a point of attack with popular appeal, but the real basis for opposition to the slave power was economic. Secession and war came and, when the strife was over, Southern and Democratic power had been broken and Northern industrialism was in the saddle. . . .

Yet a few more reasons given for the coming of war need mentioning. One is conflict between a romanticism that characterized the South and a practicality or materialism of the North. Differences of manners, even failure to understand each other's conception of a "gentleman," led to misunderstanding. In 1862 William Taylor . . . ascribed the War to Divine intervention. . . . Taylor declared that the War was brought on by God as "a severe chastisement of the American nation for national sins. . . ."

Historians seeking causes of the War and recognizing the differences between North and South, have sought reasons why North and South became so different. Contrasts in climate, soil and other geographic factors are one explanation popular with historians. . . .

Racism has had its exponents. . . . "It is a gross mistake," said [George] Fitzhugh in 1861, "to suppose that abolition alone is the cause of dissension. . . . The Cavaliers, Jacobites, and Huguenots who settled the South, naturally hate, condemn, and despise the Puritans who settled the North. The former are master races, the latter, a slave race, the descendants of the Saxon serfs."

Chapter Fifteen

The Right of Secession Is Tested by War



South Carolina Secedes

DISTRESSED CITIZENS of both the North and South were unwilling to stand by idly and watch the dissolution of their beloved country. There was still hope as long as Virginia and seven other slave states remained in the Union. Prophetically, these border states, sentimentally, politically and financially tied to their neighbors in both sections, took the lead in looking for another compromise. Their first effort, a series of constitutional amendments introduced by Senator Crittenden of Kentucky, failed because of Republican opposition; likewise, the seceded states ignored a peace convention called by Virginia on February 4, 1861, and the rupture widened.

President Lincoln was determined to uphold the national government's authority, as demonstrated by his decision to strengthen Fort Sumter, one of the two southern fortresses still in Union hands, over the protests of South Carolina and the Confederate government. Southern troops fired on Sumter to prevent its reinforcement, and Lincoln issued a call for 75,000 volunteers for three months' service. President Davis,

in turn, called for 100,000. At this point Arkansas, North Carolina, Tennessee and Virginia decided to cast their lots with the Confederacy rather than help the Union coerce their sister states.

Both sides expected the war to be short. In fact, prior to the battle at Manassas Junction, Virginia (Bull Run), that campaign was generally viewed as probably the decisive one. Afterwards, however, there was no more talk of a ninety-day war. Before the strife ended many battles were waged on land and sea. On the naval side the appearance of the Confederate ironclad *Merrimac* (or *Virginia*) was a significant event in a world-wide sense, for it foreordained the eventual death of wooden warships. Before the North could counter with the *Monitor*, the *Merrimac* threatened to break the Union blockade of southern ports and allow the life-sustaining flood of foreign supplies to flow into the Confederacy. Four long and bloody years dragged by before General Robert E. Lee surrendered, but actually there was little hope for southern victory after his defeat at Gettysburg.

I

The Forces of Compromise

PROBABLY THE MAJORITY OF SOUTHERN PEOPLE, aside from their leaders, did not want the destruction of the Union. As a group southerners still had strong emotional and historical bonds with the nation in 1860. They had shared in its formation, helped to fight its battles, and furnished such strong national champions as Washington, Jefferson, Madison and Jackson. The results of the 1860 election even indicated these ties. Breckinridge, the extremist candidate, received only 44.7 per cent of the popular votes of the slave states, while John Bell, representing the compromise Constitutional Union Party, won the electoral votes of Kentucky, Tennessee and Virginia and narrowly missed carrying North Carolina.

President James Buchanan advocated another compromise in his message to Congress of December 3, 1860. He also suggested that northern states repeal their hated Personal Liberty acts and that certain "explanatory amendments" should be added to the Constitution which would explicitly guarantee the right to hold slaves and protect slave property in federal territory. He carefully refrained from any overt action against the seceders, thus giving the compromisers an opportunity for action.

1. THE CRITTENDEN PEACE PROPOSAL

The lead in seeking a reconciliation was taken, fittingly enough, by Senator John J. Crittenden, who, at the time, occupied the seat of the great compromiser, Henry Clay. Crittenden's suggestions, which failed of adoption by a vote of 19-20, are given below.¹

WHEREAS, serious and alarming dissensions have arisen between the Northern and Southern States, concerning the rights and security of the rights of the slaveholding States, and especially their rights in the common territory of the United States; and whereas it is eminently desirable and proper that these dissensions, which now threaten the very existence of this Union, should be permanently quieted and settled by constitutional provisions, which shall do equal justice to all sections, and thereby restore to the people that peace and good-will which ought to prevail between all the citizens of the United States: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of both Houses

concurring), That the following articles be, and are hereby, proposed and submitted as amendments to the Constitution of the United States, which shall be valid to all intents and purposes, as part of said Constitution, when ratified by conventions of three-fourths of the several States:

ARTICLE 1. In all the territory of the United States now held, or hereafter acquired, situated north of latitude 36°30', slavery or involuntary servitude, except as a punishment for crime, is prohibited while such territory shall remain under territorial government. In all the territory south of said line of latitude, slavery of the African race is hereby recognized as existing, and shall not be interfered with by Congress, but shall be protected as property by all the departments of the territorial government during its continuance. And when any Territory, north or south of said line, within such boundaries as Congress may prescribe, shall contain the population requisite for a member of Congress, according to the then Federal ratio of representation of the people of the United States, it shall, if its form of government be republican, be admitted into the Union, on an equal footing with the original States, with or without slavery, as the constitution of such new State may provide.

ART. 2. Congress shall have no power to abolish slavery in places under its exclusive jurisdic-

¹ Edward McPherson, *The Political History of the United States During The Great Rebellion* (Washington, 1865), pp. 64-65.

tion, and situated within the limit of States that permit the holding of slaves.

ART. 3. Congress shall have no power to abolish slavery within the District of Columbia, so long as it exists in the adjoining States of Virginia and Maryland, or either, nor without the consent of the inhabitants, nor without just compensation first made to such owners of slaves as do not consent to such abolishment. Nor shall Congress at any time prohibit officers of the Federal Government, or members of Congress, whose duties require them to be in said District, from bringing with them their slaves, and holding them as such during the time their duties may require them to remain there, and afterwards taking them from the District.

ART. 4. Congress shall have no power to prohibit or hinder the transportation of slaves from one State to another, or to a Territory in which slaves are by law permitted to be held, whether that transportation be by land, navigable rivers, or by the sea.

ART. 5. That in addition to the provisions of the third paragraph of the second section of the fourth article of the Constitution, Congress shall have the power to provide by law, and it shall be its duty so to provide, that the United States shall pay to the owner who shall apply for it, the full value of his fugitive slave in all cases when the marshal or other officer whose duty it was to arrest said fugitive was prevented from so doing by violence or intimidation, or when, after arrest, said fugitive was rescued by force, and the owner thereby prevented and obstructed in the pursuit of his remedy for the recovery of his fugitive slave under the said clause of the Constitution and the laws made in pursuance thereof. And in all such cases, when the United States shall pay for such fugitive, they shall have the right, in their own name, to sue the county in which said violence, intimidation, or rescue was committed, and to recover from it, with interest and damages, the amount paid by them for said fugitive slave. And the said county, after it has paid said amount to the United States, may, for its indemnity, sue and recover from the wrong-doers or rescuers by whom the owner was prevented from the recovery of his fugitive slave, in like manner as the owner himself might have sued and recovered.

ART. 6. No future amendment of the Constitution shall affect the five preceding articles; nor the third paragraph of the second section of the first article of the Constitution; nor the third paragraph of the second section of the fourth

article of said Constitution; and no amendment shall be made to the Constitution which shall authorize or give to Congress any power to abolish or interfere with slavery in any of the States by whose laws it is, or may be, allowed or permitted.

And whereas, also, besides these causes of dissension embraced in the foregoing amendment proposed to the Constitution of the United States, there are others which come within the jurisdiction of Congress, and may be remedied by its legislative power; and whereas it is the desire of Congress, as far as its power will extend, to remove all just cause for the popular discontent and agitation which now disturb the peace of the country, and threaten the stability of its institutions: Therefore,

1. *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the laws now in force for the recovery of fugitive slaves are in strict pursuance of the plain and mandatory provisions of the Constitution, and have been sanctioned as valid and constitutional by the judgment of the Supreme Court of the United States; that the slaveholding States are entitled to the faithful observance and execution of those laws, and that they ought not to be repealed, or so modified or changed as to impair their efficiency; and that laws ought to be made for the punishment of those who attempt by rescue of the slave, or other illegal means, to hinder or defeat the due execution of said laws.

2. That all State laws which conflict with the fugitive slave acts of Congress, or any other constitutional acts of Congress, or which, in their operation, impede, hinder, or delay the free course and due execution of any of said acts, are null and void by the plain provisions of the Constitution of the United States; yet those State laws, void as they are, have given color to practices, and led to consequences which have obstructed the due administration and execution of acts of Congress, and especially the acts for the delivery of fugitive slaves, and have thereby contributed much to the discord and commotion now prevailing. Congress, therefore, in the present perilous juncture, does not deem it improper, respectfully and earnestly to recommend the repeal of those laws to the several States which have enacted them, or such legislative corrections or explanations of them as may prevent their being used or perverted to such mischievous purposes.

3. That the act of the 18th of September, 1850,

commonly called the fugitive slave law, ought to be so amended as to make the fee of the commissioner, mentioned in the eighth section of the act, equal in amount, in the cases decided by him, whether his decision be in favor of or against the claimant. And to avoid misconstruction, the last clause of the fifth section of said act, which authorizes the person holding a warrant for the arrest or detention of a fugitive slave, to summon to his aid the *posse comitatus*, and which declares it to be the duty of all good citizens to assist him in its execution, ought to be so amended as to expressly limit the authority and duty to such cases in which there shall be resistance or danger of resistance or rescue.

4. That the laws for the suppression of the African slave-trade, and especially those prohibiting the importation of slaves in the United States, ought to be made effectual, and ought to be thoroughly executed; and all further enactments necessary to those ends ought to be promptly made.

2. PEACEABLE SECESSION

*The North was far from united in its attitude toward secession by the southern states. Most abolitionists were delighted as they had long protested any union with slaveholders. Others, including President Buchanan, doubted that the federal government had authority to coerce a sovereign state. Horace Greeley, editor of the influential New York Tribune, spoke for many when he said, "Wayward sisters, depart in peace!" The following editorial from the Indianapolis Daily Journal of December 22, 1860, is indicative of this school of thought.*²

SOUTH CAROLINA HAS SECEDED. The mysterious operation was performed on Thursday at half past one post meridian. It appears to have been done "as easy as rolling off a log." If anybody has an idea of the facility implied in that phrase he can judge how easily South Carolina broke the Union. It may not be unworthy of remark that the sun rose on Friday morning very much as usual, and, either in joy or curiosity, made a decided effort to get through the clouds far enough to see the hole Carolina had left. The world moved on with no perceptible indication that it felt the "rent" the "envious" State had made in its integrity. Somebody announced it in Congress, and somebody cheered over it in

Charleston, and secession was accomplished, and its terrors fairly encountered. Well, we are a severed nation. We are a divided house. And we are none the worse for it. All the mischief that the apprehension of disunion could do has been done, and disunion itself can do nothing if we do not force it to. We are well rid of South Carolina, if we are only wise enough to count it a riddance, and nothing worse. She can do far less harm out of the Union if we let her go quietly, than she has always done in it, and can now do in double measure if she is forcibly kept in. We insist that she shall go out, and we thank God that we have had a good riddance of bad rubbish. South Carolina has always been a nuisance, only lacking the importance which an attempt at "coercion" would give her to be magnified into a pestilence, and we think we owe her so much gratitude for trying to leave us that we should help her on the way. If other States follow her, let them. If all the South follows her, let it. If they can't endure an association with us except on terms which ignore the vital principle of the original compact between us, and impose on us the support of slavery, we should be ashamed to ask them to stay. In God's name, and for humanity's sake, let them go in peace, live with their cherished institution while they can, prosper if it be Heaven's purpose, or within man's power, and if they ever learn that a great wrong can never be made the foundation of a great government, they may be willing, in the ruin of their hopes, to seek a refuge in the abandoned old Government, and abide there peacefully forever.

But this policy, the dictate of humanity and wisdom, as we conceive it to be, is not in favor with many warm Republicans. They insist, and quote Gov. Morton for it, that it is the duty of the nation to preserve itself, and they quote General Jackson and the Chicago Platform for the necessity of preserving the Union at all hazards. They argue, and nobody ever denied it, that secession is not permitted by the Constitution, and if one State may go out all may go, and then where will the nation be? True, but oh! sagacious patriots tell us where will the nation be if you attempt to keep it together by instituting a war between its members? — How will *that* process save the Union? "The Union shall be preserved," you say. So say we. But we insist that it shan't be ruined in the act of preservation. We don't believe in pickling a putrification [sic]. The Union *preserved* is worth any effort, except the surrender of its vital principle. But

² H. C. Perkins, ed., *Northern Editorials on Secession* (New York: D. Appleton-Century Co., Inc., 1912), I, pp. 331-334. By permission of Appleton-Century-Crofts, Inc.

a civil war is not preservation. It is sure, speedy, overwhelming ruin. War, instead of preserving the Union, must rend it first, and ruin the fragments afterwards. Is any man so blind as not to see that? Is any man so devoted to the idea of "enforcing the laws" and "maintaining our glorious Constitution," as not to see that maintaining it by civil war is the surest way to destroy it? The right to demand obedience of the seceding States to the Constitution they have adopted, and the laws they have themselves enacted, is indisputable. But if they can only be made to obey by fighting them the process is too expensive for the result. We can afford to do without their obedience, and without them, better than we can afford to ruin ourselves to retain either. Therefore, inconsistent, as it may appear, while we hold that the Constitution requires the chastisement of rebellious States, we hold that humanity, our own interests, and the demands of this enlightened age, require us to stay our hands. There is a higher consideration than the Constitution, and it is the good which the Constitution was intended to effect. That instrument is only a means to secure an end, a law to preserve liberty, property and happiness to all under it. If its enforcement cannot secure those objects, then it is our duty to secure them without the Constitution. Now will any man say that a war between the North and South, to enforce the obedience of the latter to the Constitution, will preserve liberty, or property, or promote human happiness? We presume not. Every man can see that it is the most direct way to destroy all three. Freedom will not be more firmly established in the North by it, and if it be established in the South it can only be by a servile war promoted by the civil war, and that is a dear price to pay for emancipation anywhere. We eagerly proclaim now that we never would encourage it, and its character will not be changed, though our feelings may be, by a civil war. There is nothing to gain for liberty then by war. And it is an insult to common sense to prove that it cannot benefit property or personal happiness. War, therefore, would enforce the Constitution, which was intended to promote these great objects, at the expense of defeating the very objects it was intended to secure. A strong government is not worth so much as peace between brethren. If the Federal Government were as strong as the Russian autocracy it would be a poor compensation for the blood, and money, and opportunities for good, lost in making it so.

The world is going to climb to a higher

philosophy of government than that which underlies monarchies and grew out of "the Divine right of kings." That philosophy claims the preservation of a government as its highest duty. The nobler philosophy demands that the objects of a government shall not be sacrificed to the government; that the end shall not be lost to save the means.—And if blood is to be spilled in maintaining one government over a people, when the people want another that they believe will benefit them as much, it is blood needlessly and cruelly spilled. The statesman can always see where to draw the line between the demand of a people for a change of government and the resistance of outlaws to wholesome restraints. Kossuth gave the world a higher and nobler idea of international law, in his plea for the aid of other nations to those struggling against oppression, than it ever had before, and the United States, by wisely applying the law avowed in her own Declaration of Independence, in the present crisis, may give the world a higher idea of the duties of governments than has yet been taught by man or nation.

This view of the duty of governments, which we are only confirmed in by each new examination, shows us the course to be pursued towards South Carolina. It is to let her go freely and entirely, let loose all revenue chains and postal cords, and push her out into a separate national existence, it not with good wishes at least without resistance. Henry Stanbery, the celebrated Ohio lawyer, in his speech at the Cincinnati Union meeting last Wednesday, contended that it was easy to coerce South Carolina without bloodshed, by simply blockading her ports. He opposed coercion if it involved war, but he was in favor of bloodless coercion. This is the position of a lawyer, not a statesman. It is not a wise policy, but a quibble. We must do one of two things with South Carolina. We must either compel her obedience, or let her pass away from our control into her own. Mr. Stanbery's plan is to enforce the law, without enforcing obedience, to collect the duties at Fort Moultrie, or out at sea, so as to keep the South Carolinians subject to our laws, and yet keep ourselves out of their reach. This is manifestly impossible. If South Carolina pretends to be an independent government, she must control her own ports, and if we blockade them she must drive us out. It is as absolutely necessary to her national existence as the air is to individual existence. By blockading their ports, therefore, we only resort to a trick to bring the first attack

from South Carolina, instead of making it ourselves. — And that trick is unworthy of a great nation. If we are right we can begin the attack, without seeking pretexts. If we are not right, we are only showing cowardice as well as cruelty, in resorting to such a trick. There is, therefore, no escape from a war, if we refuse to admit the independence of South Carolina. — Mr. Stanbery does not avoid it. He only changes the first blow from one to the other. We must, then, determine either to fight openly and at once, or openly and freely permit South Carolina to depart. If we fight her, we shall fight every State in the South. — It is idle to blink this fact. Sooner or later, by sympathy, by relationship, by business connections, by volunteers from the States above leaving fathers, mothers, and brothers at home to grow more and more indifferent to the Union as their relatives are more and more bloodily mixed up with disunion, by a thousand influences, the border States will be drawn gradually into the fight, and before it is over the

whole South will be fighting the whole North. This we regard as the inevitable result of a war with South Carolina. And a war, we believe, is a thousand times worse evil than the loss of a State, or a dozen States, that hate us, and will not stay with us without ruling us. We don't believe in standing on trifles or technical difficulties. Let us consider South Carolina a foreign nation the hour she gives the Federal Government notice of her secession, and in spite of all obstructions and questions of propriety, treat with her for an adjustment of our common debts and common property, and for the arrangement of treaties for the continuance of business. If we do so disunion will soon kill itself. If we attempt to kill it with bayonet and ball it will wound us fearfully before we can succeed, and when we have succeeded, its dead body will be as pestilent as its living body. We shall be burthened as badly to carry the corpse as to bear the restive and struggling live carcass.

II

Resources and Strategy for War

LINCOLN ANSWERED THE PEOPLE who favored peaceable secession in his inaugural address: "Physically speaking, we cannot separate." In this and later pronouncements the preservation of the Union at any cost was made the primary goal of his administration.

How much of a chance did the South have to win a war against the North? South American and Italian states had all gained their independence against greater odds than confronted the Confederacy, as had the original Thirteen Colonies. Most Europeans, including those friendly to the North, saw little chance for preservation of the Union. Though outnumbered, southerners had definite advantages in that they were fighting on their own soil and for their way of life. Observers doubted that northern enthusiasm for an ideal, the Union, would ever match that of a southern defense of the homeland. Up until almost the end of the war the South held high hopes of intervention by England and/or France and the belief that the North would weary of the contest. Professor J. G. Randall, a noted authority on the Civil War, compares the strength of the two sections and outlines the strategy of the War in the following extract.³

WHEN THE ALIGNMENT of states had become so stabilized that one could speak of a Northern and Southern nation, the superior strength of the North became strikingly evident. The North

had twenty-three states against eleven at the South. Totaling the state populations, and overlooking the conflicts of allegiance within particular states, one finds that the North, with twenty-two million people, confronted the South with nine million. An important correction must at once be noted, however; for of the nine million human beings at the South, three and

³ J. G. Randall: *The Civil War And Reconstruction* (Boston: D. C. Heath & Co., 1937), pp. 259-270. Reprinted by special permission of D. C. Heath and Company, Boston, Massachusetts, and the author.

one-half million were slaves. Though the place of these slaves in the war economy was important, they were not, despite efforts in that direction late in the war, used as soldiers in the Southern armies. To estimate the military strength of the South these slaves should be subtracted; but there should also be a roughly proportionate subtraction of men necessary for the maintenance of agriculture, industry, and commerce at the North. In wealth, manufacturing, shipping, railway equipment, iron and steel resources, technical facilities, shops, trained mechanics, banking and financial strength, the North was overwhelmingly superior. It was not merely that the North had greater financial resources; even Southern banking and foreign exchange had been centered in New York. The North had the existing government with its official machinery and with whatever of prestige this may have carried at home and abroad, while a national government had to be created by the Confederates.

Yet to contemporaries the war did not always appear so unequal as this superficial comparison would suggest. The Confederate general Beauregard said:

No people ever warred for independence with more relative advantages than the Confederates; and if, as a military question, they must have failed, then no country must aim at freedom by means of war. . . . The South, with its great material resources, its defensive means of mountains, rivers, railroads, and telegraph, with the immense advantage of the interior lines of war, would be open to discredit as a people if its failure could not be explained otherwise than by mere material contrast.

The nature of the war was such that the South needed fewer men: time and time again Southern armies were able to stand off superior numbers. McClellan would necessarily require more men to assault and take Richmond than Lee would require to hold it. All comment on disparity of numbers between the sections, as T. L. Livermore has pointed out, must be read in the light of the defensive position of the South. Not only did the North have to spend heavily in battle losses; its task of enlarging the area of invasion and holding invaded territory "required many more men than mere battles upon equal terms would have required."

The South had the advantage of fighting for independence—for something bold, positive, thrilling—while the North was too apt to ap-

pear in the role of subjugator. This gave the South, at least until emancipation, a distinct moral advantage. Confederate sentiment ran high in New York and many other Northern centers, while Union sentiment in the South, though by no means non-existent, was stultified and inarticulate. The "best" of Washington "society" was Southern, and its sympathy with the Confederate cause was but too apparent. The difference between Northern and Southern morale was painfully evident from London and was keenly felt by young Henry Adams, who acted as secretary to his father, United States minister to England. Adams wrote of the despondency and apathy of Northerners in England as contrasted with the vigor and exuberance of Southerners, inspired with ideals of liberty and independence.

The South was more infused with the martial spirit than the North. Its young men had given more attention to military training and were handier with horse and rifle. Their generals were among the finest products of West Point. When to these factors it is added that many Federal forts and arsenals fell into their hands, that they fought with high courage on interior lines in their own country, and that much was expected from the international situation, it will be seen that they were not unreasonable in their hope of winning the war, if it should not be too long drawn out. The unequal weight of resources against them was not so great as in the case of the American colonies in their fight against mighty England, nor of various other peoples who have achieved independence against heavy odds.

According to predictions the war which started at Sumter in mid-April was to be short. Lincoln's call for militia seemed to imply that the "insurrection" would be "suppressed" in three months; while in the South there were confident expectations of capturing Washington and driving out the "black Republicans" by early summer. Both sides were unprepared for a serious war of long duration. Neither side had a general staff or its equivalent, and the excited war preparations in the early months were more characterized by feverish bustle and patriotic flourish than by sound co-ordinated effort. The scenes that were enacted as the states of the North proceeded to respond to Lincoln's summons offered many a commentary upon the cross purposes, circumlocutions, and makeshifts of an unmilitary democracy struggling to improvise a war machine for an emergency. While demon-

strating the courage of common men facing death at the call of their government, they illustrated also the blundering incompetence of politicians and the scheming ambition of greedy humanity scrambling for gain and self-promotion.

Popular response was genuine and enthusiastic as the seething crowds vented their pent-up feelings in that emotional release which followed as the psychological result of months of tense anxiety. Though the word was unfamiliar to the vocabulary of the time, public opinion was soon "mobilized." Mass meetings were everywhere held to listen to orators, great and small, who played upon popular emotion and prejudice. With reminiscence of the heroic days of the now idealized Revolution, men pledged their lives, their fortunes, and their sacred honor. There were, it is true, some dissenters. To the more earnest the thought of "civil war in our land" descended like a nightmare. "The shame, the folly, the outrage, seemed too great to believe," said General Jacob D. Cox of Ohio, "and we half hoped to wake from it as from a dream." But "discordant notes" and thoughtful forebodings were lost in the general clamor. Volunteering, drilling, parading, forming their camps of instruction, the military men seized at once the center of the stage, while nonfighters rushed about in a hectic impulse to "do something." Anyone who wished could advertise his purpose to "raise a company," or perchance a regiment, and invite "all willing to join to come on a certain morning to some saloon, hotel or public hall." In this unsystematic manner recruitment became largely a personal thing, and an amazing variety of military organizations sprang up. The "Excelsior Brigade," the "Buena Vista Guards," the "New York Fire Zouaves" (led by the dashing Ellsworth), the "Polish Legion," the "St. Patrick Brigade," the "Irish Volunteers," the "Steuben Volunteers," and the "Garibaldi Guards" were a few of these local units. Examples in Illinois were the "Quincy City Guards," "Plainfield Light Artillery," "Chicago Light Dragoons," "Grundy Tigers," "Yates Rangers," "Lincoln Guards," "Springfield Zouaves," "Chicago Zouaves," and "Pekin Grays." Naturally each of these units expected to be treated with dignity and to preserve its organization intact.

The militia, though subject to Federal call and referred to in national laws, was in normal times a state institution so far as it had any existence at all; and in most of the states it was a nebulous affair with no effective organization.

The regular army of the United States, though well trained and efficient, had a strength of only 13,000 officers and men in March, 1861; and the hap-hazard method of raising the emergency force took no heed of the importance of using the regular army as a nucleus. Relying on the regular army as his mainstay in serious operations, General Scott refused the requests of young regular army officers who desired leaves of absence so that they could direct the organization of the state militia and volunteer units.

The border and upper South would become the chief theaters of war. At the outset the war would be felt in Missouri; Kentucky and Tennessee would see bitter fighting in the West; Virginia, facing Washington and containing the capital of the Confederacy, would bear the brunt of the heavy campaigns in the East. Some of the earliest campaigning would be in that portion of the Old Dominion which bordered Ohio and Pennsylvania and became West Virginia. Thus the Southern sections which manifested the least enthusiasm for secession were destined to witness the severest fighting, though later in the struggle the devastating scourge was carried deep into the lower South. The North would seek to capture and hold Missouri, Kentucky, and Tennessee; contend for mastery of the Mississippi River, detaching the Southwest from the main portion of the Confederacy; keep a watchful eye for the protection of Washington; direct its most determined campaigns toward Richmond; blockade Southern coasts and push its gunboats up the inland rivers; and ultimately, by its "anaconda policy" and its campaign of "attrition" under Grant, would make crushing use of superior man power. On the principle that Providence favors the heaviest battalions, each side would seek, by scouting, rapid movement, and surprise maneuver, to confront its opponent at decisive points with superior numbers. Though the capture or destruction of armies would be the strategic objective, few battles were to be decisive in this sense; both Southern and Northern commanders usually found their troops too exhausted or were detained by other considerations from following up their victories. Thus after a battle had been won the defeated enemy would reorganize, shift his position, and re-form his lines, so that the whole business was to be done over again. Discouragement back home would naturally result as the seemingly senseless and purposeless character of an apparently interminable war was borne in upon the minds of the people.

Each side would seek to harass the other, raid-

ing its territory, destroying its military stores, smashing its bridges, wrecking its railroads, cutting off its communications. Aside from such an exceptional case as that of Sherman in Georgia and the Carolinas, each army, when conducting major military operations as distinguished from mere raids, would require a base, with telegraph, roads, railroads, and depots unbroken in its rear. The war would be waged over widely scattered areas. Sieges would be few; and trench warfare, while not unknown, would be exceptional. Instead of continuous, stable, fortified battlefronts, backed by carefully prepared secondary or reserve trenches, the usual situation would be that of open warfare, with frequent changes of base. Each distinct battle would ordinarily occupy no more than one or two days; but the number of battles would run into the hundreds, and there

would be sniping, bushwhacking, guerilla fighting, and irregular neighborhood battles unrecorded by military historians. Cavalry, inferior in vital effectiveness to infantry and artillery, would usually play its role in scouting and raiding rather than in head-on charges. The use of balloons, reliance upon the telegraph, wire entanglements, and experimentation with submarines would make the war seem at the time very "modern"; to a later generation accustomed to airplanes, high power artillery, motor trucks, machine guns, gas, tanks, and vast communicating trenches, it would seem antediluvian. High command would be a confused and halting thing on both sides; little military coordination would exist; public opinion would tyrannically interfere; meddling politicians and congressmen would take their fatal toll.

III

The Fighting Front

IT IS A TRUISM OF MILITARY HISTORY that civil wars are bloodier and fought with more determination than any other type. In addition to this characteristic, the American Civil War was fought under conditions that helped swell the casualty lists. Armies faced each other, firing as they advanced, until one or the other gave ground. There was little or no attempt at concealment, the use of trenches being ignored until about 1863. Consequently, actual combat was often more dangerous than in World War I. Even if one escaped death on the battlefield, he still faced the hazard of primitive sanitary conditions and a comparatively inept medical corps. The result of this combination of factors was, according to the historian James Ford Rhodes, an estimated 359,528 deaths and 275,175 wounded for the North and a probable 258,000 fatalities for the South.

I. THE FIRST BATTLE OF BULL RUN

Once the challenge of war had been accepted both sides eagerly looked forward to the clash of battle. Although the Union army was virtually untrained, Lincoln yielded to public clamor and ordered General Irwin McDowell to attack the enemy. On July 21, 1861, the first battle was fought by the little stream of Bull Run, near Manassas Junction, twenty-five miles west of Washington. The northern forces were pushed back to Washington in a rout, but the successful southern general, Joseph E. Johnston, wrote, "The Confederate army was more disorganized by victory than that of the United States by defeat." The excitement of impending battle and

the confusion and disorder accompanying it is felt in the account of the English observer, W. H. Russell.⁴

"THE GREAT BATTLE which is to arrest rebellion, or to make it a power in the land, is no longer distant or doubtful. McDowell has completed his reconnoissance of the country in front of the enemy, and General Scott anticipates that he will be in possession of Manassas to-morrow night. All the statements of officers concur in describing the Confederates as strongly intrenched along the line of Bull Run covering the railroad. The

⁴ W. H. Russell, *My Diary North and South* (Boston, 1863), pp. 434, 448-454, 466-470.

New York papers, indeed, audaciously declare that the enemy have fallen back in disorder. In the main thoroughfares of the city [Washington] there is still a scattered army of idle soldiers moving through the civil crowd, though how they come here no one knows. The officers clustering round the hotels, and running in and out of the bar-rooms and eating-houses, are still more numerous. When I inquired at the head-quarters who these were, the answer was that the majority were skulkers, but that there was no power at such a moment to send them back to their regiments or punish them. In fact, deducting the reserves, the rear-guards, and the scanty garrisons at the earth-works, McDowell will not have 25,000 men to undertake his seven days' march through a hostile country to the Confederate capital; and yet, strange to say, in the pride and passion of the politicians, no doubt is permitted to rise for a moment respecting his complete success. . . .

It was a strange scene before us. From the hill a densely wooded country, dotted at intervals with green fields and cleared lands, spread five or six miles in front, bounded by a line of blue and purple ridges, terminating abruptly in escarpment towards the left front, and swelling gradually towards the right into the lower spines of an offshoot from the Blue Ridge Mountains. On our left the view was circumscribed by a forest which clothed the side of the ridge on which we stood, and covered its shoulder far down into the plain. A gap in the nearest chain of the hills in our front was pointed out by the by-standers as the Pass of Manassas, by which the railway from the West is carried into the plain, and still nearer at hand, before us, is the junction of that rail with the line from Alexandria, and with the railway leading southwards to Richmond. The intervening space was not a dead level; undulating lines of forest marked the course of the streams which intersected it, and gave, by their variety of color and shading an additional charm to the landscape which, enclosed in a framework of blue and purple hills, softened into violet in the extreme distance, presented one of the most agreeable displays of simple pastoral woodland scenery that could be conceived.

But the sounds which came upon the breeze, and the sights which met our eyes, were in terrible variance with the tranquil character of the landscape. The woods far and near echoed to the roar of cannon, and thin frayed lines of blue smoke marked the spots whence came the muttering sound of rolling musketry; the white puffs

of smoke burst high above the tree-tops, and the gunners' rings from shell and howitzer marked the fire of the artillery.

Clouds of dust shifted and moved through the forests; and through the wavering mists of light-blue smoke, and the thicker masses which rose commingling from the feet of men and the mouths of cannon, I could see the gleam of arms and the twinkling of bayonets.

On the hill beside me there was a crowd of civilians on horseback, and in all sorts of vehicles, with a few of the fairer, if not gentler sex. A few officers and some soldiers, who had straggled from the regiments in reserve, moved about among the spectators, and pretended to explain the movements of the troops below, of which they were profoundly ignorant.

The cannonade and musketry had been exaggerated by the distance and by the rolling echoes of the hills, and sweeping the position narrowly with my glass from point to point, I failed to discover any traces of close encounter or very severe fighting. The spectators were all excited, and a lady with an opera-glass who was near me, was quite beside herself when an unusually heavy discharge roused the current of her blood — "That is splendid. Oh, my! Is not that first-rate? I guess we will be in Richmond this time to-morrow." These, mingled with coarser exclamations, burst from the politicians who had come out to see the triumph of the Union arms. I was particularly irritated by constant applications for the loan of my glass. One broken-down looking soldier observing my flask, asked me for a drink, and took a startling pull, which left but little between the bottom and utter vacuity.

"Stranger, that's good stuff and no mistake. I have not had such a drink since I come South. I feel now as if I'd like to whip ten Seceshers."

From the line of the smoke it appeared to me that the action was in an oblique line from our left, extending farther outwards towards the right, bisected by a road from Centreville, which descended the hill close at hand and ran right across the undulating plain, its course being marked by the white covers of the baggage and commissariat wagons as far as a turn of the road, where the trees closed in upon them. Beyond the right of the curling smoke clouds of dust appeared from time to time in the distance, as if bodies of cavalry were moving over a sandy plain.

Notwithstanding all the exultation and boastings of the people at Centreville, I was well convinced no advance of any importance or any

great success had been achieved, because the ammunition and baggage wagons had never moved, nor had the reserve received any orders to follow in the line of the army.

The clouds of dust on the right were quite inexplicable. As we were looking, my philosophic companion asked me in perfect seriousness, "Are we really seeing a battle now? Are they supposed to be fighting where all that smoke is going on? This is rather interesting, you know." . . .

An English gentleman, who came up flushed and heated from the plain, told us that the Federals had been advancing steadily, in spite of a stubborn resistance, and have behaved most gallantly.

Loud cheers suddenly burst from the spectators, as a man dressed in the uniform of an officer, whom I had seen riding violently across the plain in an open space below, galloped along the front, waving his cap and shouting at the top of his voice. He was brought up by the press of people round his horse close to where I stood. "We've whipped them on all points," he cried. "We have taken all their batteries. They are retreating as fast as they can, and we are after them." Such cheers as rent the Welkin! The congressmen shook hands with each other, and cried out, "Bully for us. Bravo! didn't I tell you so." The Germans uttered their martial cheers and the Irish hurraed wildly. At this moment my horse was brought up the hill, and I mounted and turned toward the road to the front whilst Mr. Warre and his companion proceeded straight down the hill.

By the time I reached the lane, already mentioned, which was in a few minutes, the string of commissariat wagons was moving onwards pretty briskly, and I was detained until my friends appeared at the roadside. I told Mr. Warre I was going forward to the front as fast as I could, but that I would come back, under any circumstances, about an hour before dusk, and would go straight to the spot where we had put up the gig by the road-side, in order to return to Washington. Then getting into the fields, I pressed my horse, which was quite recovered from his twenty-seven miles' ride and full of spirit and mettle, as fast as I could, making detours here and there to get across ox fences, and by the small stream which cut up the country. The firing did not increase but rather diminished in volume, though it now sounded close at hand.

I had ridden between three and a half and four miles, as well as I could judge, when I was

obliged to turn for the third and fourth time into the road by a considerable stream, which was spanned by a bridge, towards which I was threading my way, when my attention was attracted by loud shouts in advance, and I perceived several wagons coming from the direction of the battle-field, the drivers of which were endeavoring to force their horses past the ammunition carts going in the contrary direction near the bridge, a thick cloud of dust rose behind them, and running by the side of the wagons, were a number of men in uniform whom I supposed to be the guard. My first impression was that the wagons were returning for fresh supplies of ammunition. But every moment the crowd increased, drivers and men cried out with the most vehement gestures, "Turn back! Turn back! We are whipped." They seized the heads of the horses and swore at the opposing drivers. Emerging from the crowd a breathless man in the uniform of an officer with an empty scabbard dangling by his side, was cut off by getting between my horse and a cart for a moment. "What is the matter, sir? What is all this about?" "Why it means we are pretty badly whipped, that's the truth," and continued.

By this time the confusion had been communicating itself through the line of wagons towards the rear, and the drivers endeavored to turn round their vehicles in the narrow road, which caused the usual amount of imprecations from the men and plunging and kicking from the horses.

The crowd from the front continually increased, the heat, the uproar, and the dust were beyond description, and these were augmented when some cavalry soldiers, flourishing their sabres and preceded by an officer who cried out, "Make way there — make way there for the General," attempted to force a covered wagon in which was seated a man with a bloody handkerchief round his head through the press.

I had succeeded in getting across the bridge with great difficulty before the wagon came up, and I saw the crowd on the road was still gathering thicker and thicker. Again I asked an officer, who was on foot, with his sword under his arm, "What is all this for?" "We are whipped, sir. We are all in retreat. You are all to go back." "Can you tell me where I can find General McDowell?" "No! nor can any one else."

A few shells could be heard bursting not very far off, but there was nothing to account for such an extraordinary scene. A third officer, however, confirmed the report that the whole army was

in retreat, and that the Federals were beaten on all points, but there was nothing in this disorder to indicate a general rout. All these things took place in a few seconds. I got up out of the road into a corn-field, through which men were hastily walking or running, their faces streaming with perspiration, and generally without arms, and worked my way for about half a mile or so, as well as I could judge, against an increasing stream of fugitives, the ground being strewn with coats, blankets, firelocks, cooking tins, caps, belts, bayonets—asking in vain where General McDowell was.

Again I was compelled by the condition of the fields to come into the road; and having passed a piece of wood and a regiment which seemed to be moving back in column of march in tolerable good order, I turned once more into an opening close to a white house, not far from the lane, beyond which there was a belt of forest. Two field-pieces unlimbered near the house, with panting horses in the rear, were pointed towards the front, and along the road beside them there swept a tolerably steady column of men mingled with field ambulances and light baggage carts, back to Centreville. I had just stretched out my hand to get a cigar-light from a German gunner, when the dropping shots which had been sounding through the woods in front of us, suddenly swelled into an animated fire. In a few seconds a crowd of men rushed out of the wood down toward the guns, and the artillerymen near me seized the trail of a piece, and were wheeling it round to fire, when an officer or sergeant called out, "Stop! stop! They are our own men;" and in two or three minutes the whole battalion came sweeping past the guns at the double, and in the utmost disorder. Some of the artillerymen dragged the horses out of the tumbrils; and for a moment the confusion was so great I could not understand what had taken place; but a soldier whom I stopped, said, "We are pursued by their cavalry; they have cut us all to pieces."

Murat himself would not have dared to move a squadron on such ground. However, it could not be doubted that something serious was taking place; and at that moment a shell burst in front of the house, scattering the soldiers near it, which was followed by another that bounded along the road; and in a few minutes more came another regiment from the wood, almost as broken as the first. The scene on the road had now assumed an aspect which has not a parallel in any description I have ever read. Infantry

soldiers on mules and draught horses, with the harness clinging to their heels, as much frightened as their riders; negro servants on their masters' chargers; ambulances crowded with unwounded soldiers; wagons swarming with men who threw out the contents in the road to make room, grinding through a shouting, screaming mass of men on foot, who were literally yelling with rage at every halt, and shrieking out, "Here are the cavalry! Will you get on?" This portion of the force was evidently in discord.

There was nothing left for it but to go with the current one could not stem. I turned round my horse from the deserted guns, and endeavored to find out what had occurred as I rode quietly back on the skirts of the crowd. I talked with those on all sides of me. Some uttered prodigious nonsense, describing batteries tier over tier, and ambuscades, and blood running knee-deep. Others described how their boys had carried whole lines of intrenchments, but were beaten back for want of reinforcements. The names of many regiments were mentioned as being utterly destroyed. Cavalry and bayonet charges and masked batteries played prominent parts in all the narrations. Some of the officers seemed to feel the disgrace of defeat; but the strangest thing was the general indifference with which the event seemed to be regarded by those who collected their senses as soon as they got out of fire, and who said they were just going as far as Centreville, and would have a big fight to-morrow.

By this time I was unwillingly approaching Centreville in the midst of heat, dust, confusions, imprecations inconceivable. On arriving at the place where a small rivulet crossed the road, the throng increased still more. The ground over which I had passed going out was now covered with arms, clothing of all kinds, accoutrements thrown off and left to be trampled in the dust under the hoofs of men and horses. The run-aways ran along-side the wagons, striving to force themselves in among the occupants, who resisted tooth and nail. The drivers spurred and whipped and urged the horses to the utmost of their bent. I felt an inclination to laugh, which was overcome by disgust, and by that vague sense of something extraordinary taking place which is experienced when a man sees a number of people acting as if driven by some unknown terror. As I rode in the crowd with men clinging to the stirrup-leathers, or holding on by anything they could lay hands on, so that I had some apprehension of being pulled off, I spoke to the men, and asked them over and over again

not to be in such a hurry. "There's no enemy to pursue you. All the cavalry in the world could not get at you." But I might as well have talked to the stones.

For my own part, I wanted to get out of the ruck as fast as I could, for the heat and dust were very distressing, particularly to a half-starved man. Many of the fugitives were in the last stages of exhaustion, and some actually sank down by the fences, at the risk of being trampled to death. Above the roar of the flight, which was like the rush of a great river, the guns burst forth from time to time.

The road at last became somewhat clearer; for I had got ahead of some of the ammunition train and wagons, and the others were dashing up the hill towards Centreville. The men's great-coats and blankets had been stowed in the trains; but the fugitives had apparently thrown them out on the road, to make room for themselves. Just beyond the stream I saw a heap of clothing tumble out of a large covered cart, and cried out after the driver, "Stop! stop! All the things are tumbling out of the cart." But my zeal was checked by a scoundrel putting his head out, and shouting with a curse, "If you try to stop the team, I'll blow your — brains out." My brains advised me to adopt the principle of non-intervention.

It never occurred to me that this was a grand debacle. All along I believed the mass of the army was not broken, and that all I saw around was the result of confusion created in a crude organization by a forced retreat. . . .

[Back in Washington] I saw a steady stream of men covered with mud, soaked through with rain, who were pouring irregularly, without any semblance of order, up Pennsylvania Avenue towards the Capitol. A dense stream of vapor rose from the multitude; but looking closely at the men, I perceived they belonged to different regiments, New Yorkers, Michiganders, Rhode Islanders, Massachussetters, Minnesotians, mingled pellmell together. Many of them were without knapsacks, crossbelts, and firelocks. Some had neither great-coats nor shoes, others were covered with blankets. Hastily putting on my clothes, I ran down-stairs and asked an "officer," who was passing by, a pale young man, who looked exhausted to death, and who had lost his sword, for the empty sheath dangled at his side, where the men were coming from. "Where from? Well, sir, I guess we're all coming out of Verginny as fast as we can, and pretty well whipped too." "What! the whole army, sir?" "That's more than I know. They may stay that like. I know I'm

going home. I've had enough of fighting to last my lifetime."

The news seemed incredible. But there, before my eyes, were the jaded, dispirited, broken remnants of regiments passing onwards where and for what I know not, and it was evident enough that the mass of the grand army of the Potomac was placing that river between it and the enemy as rapidly as possible. "Is there any pursuit?" I asked of several men. Some were too surly to reply; others said, "They're coming as fast as they can alter us." Others, "I guess they've stopped it now — the rain is too much for them." A few said they did not know, and looked as if they did not care. . . .

. . . The rain has abated a little, and the pavements are densely packed with men in uniform, some with, others without arms, on whom the shopkeepers are looking with evident alarm. They seem to be in possession of all the spirit-houses. Now and then shots are heard down the street or in the distance, and cries and shouting, as if a scuffle or a difficulty were occurring. Wiltsie's is turned into a barrack for officers, and presents such a scene in the hall as could only be witnessed in a city occupied by a demoralized army. There is no provost guard, no patrol, no authority visible in the streets. General Scott is quite overwhelmed by the affair, and is unable to stir. General McDowell has not yet arrived. The Secretary of War knows not what to do, Mr. Lincoln is equally helpless, and Mr. Seward, who retains some calmness, is notwithstanding his military rank and military experience, without resource or expedient. There are a good many troops hanging on about the camps and forts on the other side of the river, it is said; but they are thoroughly disorganized, and will run away if the enemy comes in sight without a shot, and then the capital must fall at once. Why Beauregard does not come I know not, nor can I well guess. I have been expecting every hour since noon to hear his cannon. Here is a golden opportunity. If the Confederates do not grasp that which will never come again on such terms, it stamps them with mediocrity.

2. GENERAL GRANT

One of Lincoln's most vexing problems was to find a general capable of coping with the complexities of modern warfare and matching skill with the South's Lee. After many failures, the search ended in March, 1864, with the appointment of Ulysses S. Grant as general in chief of the Union armies. Why

Grant was the right man in the right place is succinctly explained by Professor T. Harry Williams in his book, Lincoln And His Generals.⁵

GRANT was forty-two years old in 1864. He was five feet eight in height and weighed about one hundred thirty-five pounds. His eyes were dark gray, his hair and short full beard were chestnut brown. His left eye was a little lower than the other, and he had a wart on his right cheek. His frame was slightly stooped. There was little magnetism in his appearance and personality. He never inspired troops to frenzies of applause or affection, as did McClellan and Burnside. At first sight, most people were not impressed by him; many found him a comic figure. A sensitive observer who first saw Grant soon after he came to Washington said the General was an extraordinary person but did not look it. Young Charles Francis Adams, Jr., of a family not given to uttering praise lightly, wrote his father in London that Grant could pass for a dumpy, slouchy little subaltern who was fond of smoking. But he knew how to manage men quietly, Adams added, and he possessed exquisite judgment. In a penetrating evaluation, Adams said that in a crisis all would instinctively lean on Grant. Another keen student of human nature, Colonel Theodore Lyman of Meade's staff, saw immediately past Grant's exterior to the real man. He noted that Grant's face had three expressions: deep thought, extreme determination, and great simplicity and calmness. Summing Grant up, Lyman said that the General looked as if he had determined to butt his head through a brick wall and was about to do it.

Grant's war service before 1864 had been an ideal training experience for the job of general in chief. He was a better war director because he had come up the hard and long way. He had started as a small unit commander and then had gone on to bigger commands as he had proved on the field that he could handle larger responsibilities. He learned self-confidence from his successes and patience and determination from his failures. His experience with small commands was fortunate for Grant. It taught him the importance of looking after such things as ammunition supplies and means of transportation—the prosaic vital things that can make or break an army. Most valuable of all, he

first encountered the problems of army administration on a small scale and mastered one set before he met another and more complex one. He learned administration from the regimental level up, which was a better way than if he had suddenly been placed in charge of a huge army as McClellan had been.

At the beginning of the war, Grant knew as much about the theory and history of war as the average West Point graduate and regular army officer, which was not very much. He did not, after the conflict started, study the higher art of war from books, but he studied it closely from the events he witnessed and experienced. At Henry and Donelson, he saw the moral value of being on the offensive, and he learned at Shiloh the danger of neglecting the principle of precaution. In nearly all of his early operations, he demonstrated that he understood one of the most important of all strategic principles, that of making the destruction of the enemy army his primary objective. Grant absorbed some of his knowledge of war from other officers, and on many occasions used the brains of others, which is what a great general should do. As Sherman well expressed it, Grant possessed "in an eminent degree that peculiar and high attribute of using various men to produce a common result. . . ." His brilliant victories at Vicksburg and Chattanooga were partly the result of his own developing strategic powers and partly of his ability to use the powers of his subordinates to accomplish his purpose. When he became general in chief, Grant was about as perfectly trained and formed for the post as any general could be.

Grant was, judged by modern standards, the greatest general of the Civil War. He was head and shoulders above any general on either side as an over-all strategist, as a master of what in later wars would be called global strategy. His Operation Crusher plan, the product of a mind which had received little formal instruction in the higher art of war, would have done credit to the most finished student of a series of modern staff and command schools. He was a brilliant theater strategist, as evidenced by the Vicksburg campaign, which was a classic field and siege operation. He was a better than average tactician, although like even the best generals of both sides he did not appreciate the destruction that the increasing firepower of modern armies could visit on troops advancing across open spaces.

Lee is usually ranked as the greatest Civil

⁵ Reprinted from *Lincoln And His Generals*, 310-314, by T. Harry Williams, by permission of Alfred A. Knopf, Inc. Copyright, 1952, by Alfred A. Knopf, Inc.

War general, but this evaluation has been made without placing Lee and Grant in the perspective of military developments since the war. Lee was interested hardly at all in "global" strategy, and what few suggestions he did make to his government about operations in other theaters than his own indicate that he had little aptitude for grand planning. As a theater strategist, Lee often demonstrated more brilliance and apparent originality than Grant, but his most audacious plans were as much the product of the Confederacy's inferior military position as his own fine mind. In war, the weaker side has to improvise brilliantly. It must strike quickly, daringly, and include a dangerous element of risk in its plans. Had Lee been a Northern general with Northern resources behind him, he would have improvised less and seemed less bold. Had Grant been a Southern general, he would have fought as Lee did.

Fundamentally Grant was superior to Lee because in a modern total war he had a modern mind, and Lee did not. Lee looked to the past in war as the Confederacy did in spirit. The staffs of the two men illustrate their outlook. It would not be accurate to say that Lee's general staff were glorified clerks, but the statement would not be too wide of the mark. Certainly his staff was not, in the modern sense, a planning staff, which was why Lee was often a tired general. He performed labors that no general can do in a big modern army—work that should have fallen to his staff, but that Lee did because it was traditional for the commanding general to do it in older armies. Most of Lee's staff officers were lieutenant colonels. Some of the men on Grant's general staff, as well as the staffs of other Northern generals, were major and brigadier generals, officers who were capable of leading corps. Grant's staff was an organization of experts in the various phases of strategic planning. The modernity of Grant's mind was most apparent in his grasp of the concept that war was becoming total and that the destruction of the enemy's economic resources was as effective and legitimate a form of warfare as the destruction of his armies. What was realism to Grant was barbarism to Lee. Lee thought of war in the old way as a conflict between armies and refused to view it for what it had become—a struggle between societies. To him, economic war was needless cruelty to civilians. Lee was the last of the great old-fashioned generals, Grant the first of the great moderns.

3. GENERAL LEE

Most historians credit much of the ability of the South to withstand apparently overwhelming military odds for so long to the ability of Robert E. Lee. This soldier, who had been unofficially offered northern command before he decided to go with his home state of Virginia, was eventually placed in charge of the Southern forces. His great biographer, Douglas Southall Freeman, has pointed out Lee's strength and weaknesses as a general in this selection from R. E. Lee: A Biography.⁶

HAD HIS [LEE'S] SENSE OF DUTY held him to the Union, as it held Winfield Scott and George H. Thomas, how much easier his course would have been! Never, then, after the first mobilization, would he have lacked for troops or been compelled to count the cost of any move. He would not have agonized over men who shivered in their nakedness or dyed the road with shoeless, bleeding feet. Well clad they would have been, and well fed, too. They would not have been brought down to the uncertain ration of a pint of meal and a quarter of a pound of Nassau bacon. The superior artillery would have been his, not his adversary's. On his order new locomotives and stout cars would have rolled to the front, swiftly to carry his army where the feeble engines and the groaning trains of the Confederacy could not deliver men. He would have enjoyed the command of the sea; so that he could have advanced his base a hundred miles, or two hundred, without the anguish of a single, choking march. If one jaded horse succumbed on a raid, the teeming prairies would have supplied two. His simplicity, his tact, his ability, and his self-abnegation would have won the confidence of Lincoln that McClellan lost and neither Pope, Burnside, nor Hooker ever possessed. He would, in all human probability, have won the war, and now he would be preparing to ride up Pennsylvania Avenue, as was Grant, at the head of a victorious army, on his way to the White House.

But, after the manner of the Lees, he had held unhesitatingly to the older allegiance, and had found it the way of difficulty. Always the odds had been against him, three to two in this campaign, two to one in that. Not once, in a major engagement, had he met the Federals on even

⁶ From *R. E. Lee, Volume IV*, by Douglas Southall Freeman; copyright, 1935, by Charles Scribner's Sons. Reprinted by permission of the publishers.

terms; not once, after a victory, had his army been strong enough to follow it up. To extemporize when time was against him, to improvise when supplies failed him, to reorganize when death claimed his best lieutenants—that had been his constant lot. From the moment he undertook to mobilize Virginia until the last volley rolled across the red hills of Appomattox, there had been no single day when he had enjoyed an advantage he had not won with the blood of men he could not replace. His guns had been as much outnumbered as his men had been outnumbered. He had marched as often to find food as to confound his foe. His transportation had progressively declined as his dependence upon it had increased. The revolutionary government that he espoused in 1861 had been created as a protest against an alleged violation of the rights of the states, and it made those rights its fetish. When it required an executive dictatorship to live, it chose to die by constitutionalism. Fighting in the apex of a triangle, one side of which was constantly exposed to naval attack by an enemy that had controlled the waterways, he had weakened his front without protecting his communications. Always, within this exposed territory, his prime mission had been that of defending a capital close to the frontier. With poverty he had faced abundance; with individualism his people had opposed nationalism.

Desperate as his country's disadvantage had been, it had been darkened by mistakes, financial, political, and military. Of some of these he had not been cognizant, and of others he had not spoken because they lay beyond a line his sense of a soldier's duty forbade his passing. Against other errors he had protested to no purpose. From the first shot at Sumter he had realized that the South could only hope to win its independence by exerting itself to the utmost; yet he had not been able to arouse the people from the overconfidence born at Bull Run. Vainly he had pleaded for the strict enforcement of the conscription laws, exempting no able-bodied man. Times unnumbered he had pointed out that concentration could only be met by like concentration, and that the less important points must be exposed that the more important might be saved. On the strategy of particular campaigns he had been heard and heeded often; on the larger strategy of full preparation, his influence had not been great, except as respected the first conscription act. Regarding the commissary he might as well not have

spoken at all, because Mr. Davis held to Northrop until it was too late to save the army from the despair that hunger always breeds.

Lee had himself made mistakes. Perhaps no one could have saved Western Virginia in 1861, but he had failed to recover it. With it the Confederacy had lost the shortest road to the Union railway communications between East and West. In his operations on that front and during the Seven Days, he had demanded professional efficiency of an amateur staff and had essayed a strategy his subordinates had been incapable of executing tactically. After Second Manassas he had overestimated the endurance of his men, and in Maryland he had miscalculated the time required for the reduction of Harpers Ferry. Longstreet had been permitted to idle away in front of Suffolk the days that might have been spent in bringing his two divisions back to Chancellorsville to crush the baffled Hooker. In reorganizing the army after the death of Jackson, Lee had erred in giving corps command to Ewell. Apart from the blunders of that officer and the sulking of Longstreet at Gettysburg, he had lost the Pennsylvania campaign because his confidence in his troops had led him to assume the offensive in the enemy's country before his remodelled machine had been adjusted to his direction. At Rappahannock Bridge he had misread the movements of the Federals, and in the Wilderness, on the night of May 5-6, 1864, he had left Wilcox and Heth in a position too exposed for their weary divisions to hold. Wrongly he had acquiesced in the occupation of the Bloody Angle at Spotsylvania. Incautiously, that blustering 11th of May he had withdrawn his artillery from Johnson's position. The detachment of Hampton and of Early, however necessary, had crippled him in coping with Grant when the Army of the Potomac crossed the James. He had strangely underestimated Sheridan's strength in the Shenandoah Valley, and he had failed to escape from Petersburg. Until the final retreat, none of these errors or failures, unless it was that of invading Pennsylvania so soon after the reorganization of the army, affected the outcome of the war, but together they exacted of the South some of its bravest blood.

Deeper still had been the defect of Lee's excessive amiability. When every hour of an uneven struggle had called for stern decision, he had kept all his contention for the field of battle. The action opened, he was calm but terse and pugnacious; the fighting ended, he con-

ceded too much in kind words or kinder silence to the excuses of commanders and to the arguments of politicians. Humble in spirit, he had sometimes submitted to mental bullying. Capable always of devising the best plan, he had, on occasion, been compelled by the blundering of others to accept the second best. He had not always been able to control men of contrary mind. His consideration for others, the virtue of the gentleman, had been his vice as a soldier.

Perhaps to this defect may be added a mistaken theory of the function of the high command. As he explained to Scheibert, he believed that the general-in-chief should strive to bring his troops together at the right time and place and that he should leave combat to the generals of brigade and division. To this theory, which he had learned from Scott, Lee steadfastly held from his opening campaign through the battle of the Wilderness. It was for this reason, almost as much as because of his consideration for the feelings of another, that he deferred to Longstreet at Second Manassas and did not himself direct the attacks of the Confederate right on July 2 and 3 at Gettysburg. Who may say whether, when his campaigns are viewed as a whole, adherence to this theory of his function cost the army more than it won for the South? If this policy failed with Longstreet, it was gloriously successful with Jackson. If the failure at Gettysburg was partly chargeable to it, the victory at Chancellorsville was in large measure the result of its application. Not properly applicable to a small army or in an open country, this theory of command may have justified itself when Lee's troops were too numerous to be directed by one man in the tangled terrain where Lee usually fought. Once adopted where woods obscured operations, Lee's method could not easily be recast for employment in the fields of Pennsylvania.

When Lee's inordinate consideration for his subordinates is given its gloomiest appraisal, when his theory of command is disputed, when his mistakes are written red, when the remorseless audit of history discounts the odds he faced in men and resources, and when the court of time writes up the advantage he enjoyed in fighting on inner lines in his own country, the balance to the credit of his generalship is clear and absolute.

In three fast-moving months he mobilized Virginia and so secured her defense that the war had been in progress a year before the Unionists were within fifty miles of Richmond.

Finding the Federals, when he took command of the Army of Northern Virginia on June 1, 1862, almost under the shadow of the city's steeples, he saved the capital from almost certain capture and the Confederate cause from probable collapse. He repulsed four major offensives against Richmond and by his invasion of Pennsylvania he delayed the fifth for ten months. Ere the Federals were back on the Richmond line again — two years to the day from the time he had succeeded Johnston — Lee had fought ten major battles: Gaines's Mill, Frayser's Farm, Malvern Hill, Second Manassas, Sharpsburg, Fredericksburg, Chancellorsville, Gettysburg, the Wilderness, and Spotsylvania. Six of these he had indisputably won. At Frayser's Farm he had gained the field but had not enveloped the enemy as he had planned. Success had not been his at Malvern Hill and at Sharpsburg, but only at Gettysburg had he met with definite defeat, and even there he clouded the title of his adversary to a clear-cut victory. During the twenty-four months when he had been free to employ open manoeuvre, a period that had ended with Cold Harbor, he had sustained approximately 103,000 casualties and had inflicted 145,000. Holding, as he usually had, to the offensive, his combat losses had been greater in proportion to his numbers than those of the Federals, but he had demonstrated how strategy may increase an opponent's casualties, for his losses included only 16,000 prisoners, whereas he had taken 38,000. Chained at length to the Richmond defenses, he had saved the capital from capture for ten months. All this he had done in the face of repeated defeats for the Southern troops in nearly every other part of the Confederacy. In explanation of the inability of the South to capitalize its successes, one British visitor quoted Lee as saying: "The more [the Confederates] followed up the victory against one portion of the enemy's line the more did they lay themselves open to be surrounded by the remainder of the enemy." Lee "likened the operation to a man breasting a wave of sea, who, as rapidly as he clears a way before him, is enveloped by the very water he has displaced." These difficulties of the South would have been even worse had not the Army of Northern Virginia occupied so much of the thought and armed strength of the North. Lee is to be judged, in fact, not merely by what he accomplished with his own troops but by what he prevented the hosts of the Union from doing sooner elsewhere.

The accurate reasoning of a trained and pre-

cise mind is the prime explanation of all these achievements. Lee was pre-eminently a strategist, and a strategist because he was a sound military logician. It is well enough to speak of his splendid presence on the field of battle, his poise, his cheer, and his manner with his men, but essentially he was an intellect, with a developed aptitude for the difficult synthesis of war. The incidental never obscured the fundamental. The trivial never distracted. He had the ability—who can say how or why?—to visualize his fundamental problem as though it had been worked out in a model and set before his eyes. In Richmond, during May, 1862, to cite but one instance, he saw clearly where others saw but dimly, if at all, that Jackson's little army in the Valley was the pawn with which to save the castle of Richmond. . . .

These five qualities, then, gave eminence to his strategy—his interpretation of military intelligence, his wise devotion to the offensive, his careful choice of position, the exactness of his logistics, and his well-considered daring. Midway between strategy and tactics stood four other qualities of generalship that no student of war can disdain. The first was his sharpened sense of the power of resistance and of attack of a given body of men; the second was his ability to effect adequate concentration at the point of attack, even when his force was inferior; the third was his careful choice of commanders and of troops for specific duties; the fourth was his employment of field fortification. . . .

Predominant as was strategy in the generalship of Lee from the outset and noteworthy as was his later tactical handling of his troops on the field of battle, it was not to these qualities alone that he owed the record he closed that day when he unbelted his sword after Appomattox. It had been as difficult to administer the army as to use it successfully in combat. Never equipped adequately, or consistently well-fed after the early autumn of 1862, the Army of Northern Virginia had few easy marches or ready victories. Lee had to demand of his inferior forces—as he always affirmed the administration had to exact of the entire population—the absolute best they could give him. The army's hard-won battles left its ranks depleted, its command shattered by death or wounds, its personnel exhausted, its horses scarcely able to walk, its transportation broken down, its ammunition and its commissary low. That was why its victories could not be pressed. Earnestly, almost stubbornly, he had to assert, "The lives of

our soldiers are too precious to be sacrificed in the attainment of successes that inflict no loss upon the enemy beyond the actual loss in battle." . . .

One aspect of his skill in administration deserves separate treatment as a major reason for his long-continued resistance. That was his almost uniform success in dealing with the civil government, a sometimes difficult business that every military commander must learn. Although the front of his army may be where the general-in-chief can direct every move, its rear stretches back far beyond the most remote bureau of the War Department. Few generals are ever much stronger than their communications with the authorities that sustain them, and few are greater, in the long view, than the confidence they beget. . . .

These, then, would seem to be the signal reason why Lee so long was able to maintain the unequal struggle of a Confederacy that may have been foredoomed to defeat and extinction. To recapitulate, the foundation stone of his military career was intellect of a very high order, with a developed aptitude for war. On that foundation his strategy was built in comprehensive courses. Visualizing a military problem with clarity, he studied every report that would aid in its solution. If it were possible, he put his solution in terms of the offensive. With care he would select his position; with skill he would reconnoitre it; with precision of logistics he would bring his troops to it, and with daring he would engage them. For every action he sought to concentrate adequately, and for every task he endeavored to utilize the lieutenant best suited. In combat, however excellent his constantly improving tactics, he begrudged the life of each soldier he had to expose, yet he hurled his whole army into the charge, sparing not a man, when his daring gave him an opening for a major blow. As his numbers diminished and he was forced to the defensive, he perfected a system of field fortification that had a strategic no less than a protective value. A diligent army administrator, self-controlled and disciplined in his dealings with his superiors, he chose his subordinates wisely and treated them with a justice that Washington himself could not have excelled. He had, besides, a personality and a probity that combined with his repeated victories to gain for him the unshakable confidence of his troops and of the civil population. The tactics he employed in the 1860's belong to the yesterday of war, but the reasons for his suc-

cess remain valid for any soldier who must bear a like burden of responsibility, whether in a cause as desperate or where the limitless re-

sources of a puissant government are his to command.

IV

Monitor vs. Merrimac

AN IMPORTANT PART OF NORTHERN STRATEGY was a naval blockade of the southern coast. This was not easy, for when Lincoln proclaimed the blockade there were 3,500 miles of seacoast to be patrolled, and the federal navy consisted of only ninety odd vessels of all types. By using all available ships, however, the blockade became increasingly effective. Southerners, as they found it more and more difficult to replenish their prewar supplies, began suffering from acute shortages of many necessities. But, for one brief moment it seemed that they might break the northern stranglehold. On March 8, 1862, a strange vessel suddenly appeared off Hampton Roads, Virginia. This ironclad monstrosity brought panic to the wooden blockaders, and in one day two were sunk and a third forced aground.

I. OFFICIAL WASHINGTON LEARNS OF THE "MERRIMAC"

The news of the Confederate Merrimac threw many northerners into a frenzy of fear not only for the security of the blockade but also over the possibility of Washington and other coastal cities being shelled. Secretary of the Navy Gideon Welles captured this dramatic moment in the notes of his diary.⁷

WHEN INTELLIGENCE reached Washington on Sunday morning, the 9th of March, that the Merrimac had come down from Norfolk and attacked and destroyed the Cumberland and Congress I called at once on the President, who had sent for me. Several members of the Cabinet soon gathered. Stanton was already there, and there was general excitement and alarm. Although my Department and the branch of the Government entrusted to me were most interested and most responsible, the President ever after gave me the credit of being, on that occasion, the most calm and self-possessed of any member of the Government. The President himself was so excited that he could not deliberate or be satisfied with the opinions of non-professional men, but ordered his carriage and drove

to the navy yard to see and consult with Admiral Dahlgren and other naval officers, who might be there. . . . The inability of Dahlgren to advise seemed to increase the panic. . . .

But the most frightened man on that gloomy day, the most so I think of any during the Rebellion, was the Secretary of War. He was at times almost frantic, and as he walked the room with his eyes fixed on me, I saw well the estimation in which he held me with my unmoved and unexcited manner and conversation.

The Merrimac, he said, would destroy every vessel in the service, could lay every city on the coast under contribution, could take Fortress Monroe; McClellan's mistaken purpose to advance by the Peninsula must be abandoned, and Burnside would inevitably be captured. Likely the first movement of the Merrimac would be to come up the Potomac and disperse Congress, destroy the Capitol and public buildings; or she might go to New York and Boston and destroy those cities, or levy from them contributions sufficient to carry on the War. He asked what vessel or means we had to resist or prevent her from doing whatever she pleased.

I stated our vessels were not as powerful or in numbers as extensive as I wished. It was certain, however, the Merrimac could not come to Washington and go to New York at the same time. I had no apprehension of her visiting either, and

⁷ Gideon Welles, *Diary* (Boston: Houghton Mifflin Co., 1911), I, pp. 61-65. Used by permission of the publisher.

wished she were then in the Potomac, for if so we could take efficient measures to dispose of her. That Burnside and the force in the Sounds were safe from her, because her draft of water was such she could not approach them. That the Monitor was in Hampton Roads, and I had confidence in her power to resist, and, I hoped, to overcome, the Merrimac. She should have been there sooner to have destroyed the Merrimac, but the contractors had disappointed us.

Mr. Seward, who had been desponding, contrary to his usual temperament and custom, rendered more timid by the opinion and alarm of Stanton, said my remark in relation to the draft of water of the Merrimac gave him the first moment's relief he had experienced.

Stanton made some sneering inquiry about the new vessel the Monitor, of which he admitted he knew little or nothing. I described her, and [said] that it had been our intention, had she been completed within contract time, to have sent her up to Norfolk to destroy the Merrimac before she came out of the dry dock. Stanton asked about her armament, and when I mentioned she had two guns, his mingled look of incredulity and contempt cannot be described; and the tone of his voice, as he asked if my reliance was on that craft with her two guns, is equally indescribable. . . . Others, alarmed by the destruction which had taken place and dreading further disaster, had their fears increased by his harsh manner. . . .

That day and its incidents were among the most unpleasant and uncomfortable of my life. The events were momentous and portentous to the nation, the responsibility and the consequence of the disaster were heavier on me than on any other individual; there was no one to encourage and sustain me. . . .

. . . To me there was throughout the whole day something inexpressibly ludicrous in the wild, frantic talk, action, and rage of Stanton as he ran from room to room, sat down and jumped up after writing a few words, swung his arms, scolded, and raved. He could not fail to see and feel my opinion of him and his bluster—that I was calm and unmoved by his rant, spoke deliberately, and was not excited by his violence.

The President, though as uncomfortable as any of us, and having his alarm increased by the fears and scary apprehensions of Stanton, manifested much sympathy and consideration for me. My composure and the suggestions and views I

presented were evidently a relief to him, but Stanton's wailing and woeful predictions disturbed him. Both he and Stanton went repeatedly to the window and looked down the Potomac—the view being uninterrupted for miles—to see if the Merrimac was not coming to Washington. . . .

Stanton asked what we could do for the defense and protection of New York and other cities. I knew of nothing. Our information of the Merrimac—for we had had every few days report of her condition—was that she could not, with her heavy and ill-adjusted armor, penetrate the river nor venture outside, and was to be used in Hampton Roads and the Chesapeake. I stated these facts, and they with other matters had a good effect upon the President. But Stanton in his terror telegraphed to the governors of the Northern States and the mayors of some of the cities, warning them of the danger, and advising, as I was told, that rafts of timber and other obstructions should be placed at the mouths of the harbors.

2. A NORTHERN VIEW OF THE BATTLE

*Before the Merrimac could renew its destruction the next day an even stranger vessel, also ironclad, put in an appearance. This was the famous "Yankee cheesebox on a raft," the Monitor. In an indecisive battle it succeeded in crippling the Merrimac enough to curtail further activity. One of the members of the Monitor's crew left the following account of this strange contest.*⁸

NEXT DAY we went on board. She was a little bit the strangest craft I had ever seen; nothing but a few inches of decks above the water line, her big, round tower in the center, and the pilot house at the end. The monitors that were afterward built had the pilot house above the turret to prevent it being accidentally shot away by the vessel's own guns, but in that one it was a big bomb-proof structure, several feet in height, right above the deck. We had confidence in her, though, from the start, for the little ship looked somehow like she meant business, and it didn't take us long to learn the ropes. Joe was made gunner's mate of the first gun and I was loader. The crew were exactly sixty strong, with

⁸ Samuel Lewis (alias Peter Truskitt). "Life on the Monitor," *Camp-Fire Sketches and Battle-Field Echoes of The Rebellion* (Springfield, Mass.: W. C. King & Co., 1887), pp. 258-260.

the pilot.

We started at once for Fortress Monroe. From the first a good deal of trouble was experienced through leakage, but the story that it was difficult to keep the craft afloat is not true. Some water came in at the anchor well and some around where the turret joined the deck. The last we plugged up with swabs and got through all right, arriving near dusk. The situation at Hampton Roads was about this: The Minnesota was aground, the Cumberland sunk, and the Congress on fire. While we were there the Congress blew up—one of the grandest and most terrible sights I ever witnessed. Our first duty was to protect the Minnesota, and we steamed up along-side. The sailors were then taking out their hammocks and dunnage, and all preparations were in progress to abandon the ship. By the next morning this was done, and nobody was left on board.

Our first sight of the Merrimac was around the Rip-Raps. She had been described to us and there was no mistaking her long, slanting, rakish outlines. She evidently regarded the grounded vessel as her certain prey, and I don't think in fact that we were seen at first from on board. We were so small and had so little above the water-line when we steamed out I guess she took us for some kind of a water tank. You can see surprise in a ship just the same as you can see it in a human being, and there was surprise all over the Merrimac. She fired a shot across us, but Captain Worden, our commander, said, "Wait till you get close, boys, and then let her have it." In a moment the ball had opened. Our guns were so low down that it was practically point-blank firing, and we made every shot as far as possible tell.

At first the Merrimac directed her fire at the turret, and was evidently trying hard to put a shell in. That was impossible, however, for two reasons. The port-holes were protected by heavy iron pendulums, that fell of their own weight over the openings as soon as the muzzles of the guns were taken out, and when the guns were loaded they were put out at the far side, away from the Merrimac, and in that way there was no aperture for her to get a shot into. The din inside the turret was something terrific. The noise of every solid ball that hit fell upon our

ears with a crash that deafened us. About that time an unexpected danger developed. The plates of the turret were fastened on with iron bolts and screw-heads on the inside. These screw-heads began to fly off from the concussion of the shots. Several of the men were badly bruised by them, and had anybody been hit in the face or eyes they would have been done for. Luckily this did not take place, but that experience caused them to build a metal sheath or plating over the screw-heads in monitors afterward.

The immense volume of smoke and narrow apertures to see through made maneuvering very difficult, and at times we had hard work telling where the enemy was. Twice she tried to ram us, but we got out of the way. We looked for an attack by a boarding party, and had a supply of hand grenades to throw out of the turret if one succeeded in gaining the deck. Once Lieutenant Green called out, "They are going to board us!" but instead of scaring anybody it seemed to please the crew. "Let 'em come!" sings one, "we will amuse them some!" After the fight had been in progress for a couple of hours I was knocked senseless by a shot.

The gun had just been pulled in and the pendulum dropped when a ball struck it a few inches from the head. The shock was so fearful that I dropped over like a dead man, and the next thing I knew I was in the cabin with the doctor bathing my head. I soon recovered enough to go up again. Meantime the Merrimac had concentrated her fire upon the pilot-house, giving up the turret as a bad job, and I think made an effort or two to get close and board us. It was in the pilot-house that Captain Worden received the wound that blinded him for some time afterward, and Lieutenant Green took command. I do not think that a boarding party could have been successful, even had they reached the deck, because they couldn't have penetrated the interior. There was but one hatch, and that had been closed and barred on the inside before the engagement. The tower was solid, and the only way to get below from it was to have the hatch in its floor on a line with the hatch in the deck.

The Merrimac turned tail after a little over four hours of fighting. . . .

Chapter Sixteen

Life Behind the Lines



Conscription in New York

DURING THE INTERVAL between secession and the firing on Sumter, many citizens in both the North and South believed war was impossible or somehow would be averted. With the capture of Sumter, however, civilians in both sections were seized with war fever, almost as if relieved that the past months of uncertainty were over. Forgotten were the arguments and doubts over the policies which led to hostilities. Instead, winning the war was now paramount.

The North, under Lincoln's leadership, concerned itself with the survival of the Union. If it could be saved only by war—then war there must be. Democrats and Republicans alike crowded the recruiting stations. Stephen A. Douglas, the unsuccessful presidential candidate against Lincoln, spoke for the North when he declared, "There can be no neutrals in this war; only patriots—or traitors."

The South willingly, almost happily, accepted the challenge. A holiday mood prevailed. Many regiments marched forth in response to President Davis' appeal for 100,000 men. The southerners were out to repel an invasion which endangered all they held dear—liberty and the right of self-

government, the sanctity of their homes, and a way of life they thought superior to all.

When the first burst of enthusiasm waned, however, both sides were confronted by the grim reality of battle. Casualty lists mounted, and the earlier bravado was replaced by sober determination to win. For most civilians the next four years were hard and demanding, but for a few they were merely golden opportunities to enrich themselves while others fought the battles.

This war, as are all wars, was won as much by the homefront morale as by the efforts of the fighting men. While southern confidence was probably higher than that of the North at the beginning, the resoluteness of the Union defenders grew constantly stronger. Finally the accumulative pressure of northern superiority in men and supplies and the costly toll of battle and the sea blockade broke the fighting spirit of the South. Victory faded farther and farther from sight. Some Confederates questioned their leaders, their government, their cause, and their chance to win. With this loss of morale, southerners surrendered their most vital weapon.

I

The North

THE NORTH WAS SOON CONFRONTED with the tremendous job of manning its army and of shifting its economy to a wartime basis. When it became obvious that a full scale war was in the offing and lucrative jobs in industry began opening up, the government had more and more difficulty in meeting the army's demands for men (a private's pay was \$13 a month). In July, 1861, a bonus of \$100 was offered to stimulate enlistments, and by 1863 this was raised to \$302 for first recruits and \$402 for veterans. States, counties and cities provided additional sums. When these persuasive methods proved ineffectual a compulsory plan was inaugurated with draft acts in 1862 and 1863.

In economic mobilization the North was greatly aided by new machinery, such as the reaper and sewing machine, which made larger production possible even during the manpower shortage. The telegraph and railway networks facilitated rapid movement of troops and supplies. Concentrated efforts by agriculture and industry resulted in record productions by both. Undoubtedly the war hastened the transition of the North into an era of industrialism which has characterized it ever since.

1. RECOLLECTIONS OF A VOLUNTEER

A young northern volunteer, W. L. Goss, wrote the story of his decision to enlist. His reactions when faced with war are universal and timeless, familiar to his century and those before and after him.¹

BEFORE THE WAR had really begun I enlisted. I had read the papers, and attended flag-raising, and heard orators declaim of "undying devotion to the Union." One speaker to whom I listened declared that "human life must be cheapened," but I never learned that he helped on the work experimentally. When men by the hundred walked soberly and deliberately to the front and signed the enlistment papers, he didn't show any inclination that way. As I came out of the hall with conflicting emotions, feeling as though I should have to go finally or forfeit my birthright as an American citizen, one of the orators who stood at the door, glowing with enthusiasm and patriotism, and shaking hands effusively with those who enlisted, said to me:

"Did you enlist?"

"No," I said. "Did you?"

"No; they won't take me. I have got a lame leg and a widowed mother to take care of."

Another enthusiast I remember, who was eager to enlist — others. He declared the family of no

man who went to the front should suffer. After the war he was prominent among those in our town who at town-meeting voted to refund the money to such as had expended it to procure substitutes during the war. He has, moreover, been fierce and uncompromising toward the ex-Confederates since the war closed, and I have heard him repeatedly express the wish that all the civil and general officers of the late Confederacy might be court-martialled and shot.

I was young, but not unobserving, and did not believe, from the first, in a sixty days' war; nor did I consider ten dollars a month, and the promised glory, large pay for the services of an able-bodied young man. Enlistment scenes are usually pictured as entirely heroic, but truth compels me to acknowledge that my feelings were mixed. At this moment I cannot repress a smile of amusement and pity for that young recruit — myself.

It was the news that the Sixth Massachusetts Regiment had been mobbed by roughs on their passage through Baltimore which gave me the war fever. When I read Governor Andrew's pathetic telegram to have the hero martyrs "preserved in ice and tenderly sent forward," somehow, though I felt the pathos of it, I could not reconcile myself to the ice. Ice in connection with patriotism did not give me agreeable impressions of war, and when I came to think of it, the stoning of the heroic "Sixth" didn't suit me.

¹W. L. Goss, *Recollections of A Private* (New York: Thomas Y. Crowell & Co., 1890), pp. 1-4.

it detracted from my desire to die a soldier's death. I lay awake all night thinking it over, with the "ice" and "brickbats" before my mind. However, the fever culminated that night, and I resolved to enlist.

"Cold chills" ran up and down my back as I got out of bed after the sleepless night, and shaved, preparatory to other desperate deeds of valor. I was twenty years of age, and when anything unusual was to be done, like fighting or courting, I shaved. With a nervous tremor convulsing my whole system, and my heart thumping like muffled drum-beats, I stood before the door of the recruiting-office, and, before turning the knob to enter, read and re-read the advertisement for recruits posted thereon, until I knew all its peculiarities. The promised chances for "travel and promotion" seemed good, and I thought I might have made a mistake in considering war so serious, after all. "Chances for travel" I must confess now, after four years of soldiering, that the "chances for travel" were no myth. But "promotion" was a little uncertain and slow.

I was in no hurry to open the door. Though determined to enlist, I was half inclined to put it off awhile; I had a fluctuation of desires; I was faint-hearted and brave; I wanted to enlist, and yet —. Here I turned the knob, and was relieved. I had been more prompt, with all my hesitation, than the officer in his duty; he wasn't in.

Finally he came, and said: "What do you want, my boy?"

"I want to enlist," I responded, blushing deeply with upwelling patriotism and bashfulness. Then the surgeon came to strip and examine me. In justice to myself, it must be stated that I signed the rolls without a tremor. It is common to the most of humanity, I believe, that, when confronted with actual danger, men have less fear than in its contemplation. I will, however, make one exception in favor of the first shell I heard uttering its hoarse anathema and its blood-curdling hisses, as though a steam locomotive were travelling the air. With this exception, I have found danger always less terrible face to face than on the night before the battle.

My uniform was a bad fit: my trousers were too long by three or four inches; the flannel shirt was coarse and unpleasant, too large at the neck and too short elsewhere. The forage cap was an ungainly bag with pasteboard top and leather visor; the blouse was the only part which seemed decent; while the overcoat made me feel like a little nib of corn amid a prepon-

derance of husk. Nothing except "Virginia mud" ever took down my ideas of military pomp quite so low.

After enlisting I didn't seem of so much consequence as I expected. There was not so much excitement on account of my military appearance as I deemed justly my due. I was taught my facings; and at the time I thought the drill-master needlessly fussy about shouldering, ordering, and presenting arms. At this time men were often drilled in company and regimental evolutions long before they learned the manual of arms, because of the difficulty of obtaining muskets.

These we obtained at an early day, but we would willingly have resigned them after carrying them for a few hours. The musket, after an hour's drill, seemed heavier and less ornamental than it had looked to be. The first day I went out to drill, getting tired of doing the same things over and over, I said to the drill-sergeant: "Let's stop this fooling and go over to the grocery."

His only reply was addressed to a corporal: "Corporal, take this man out and drill him like h-l"; and the corporal did. I found that suggestions were not as well appreciated in the army as in private life, and that no wisdom was equal to a drill-master's "Right face," "Left wheel," and "Right, oblique, march."

It takes a raw recruit some time to learn that he is not to think or suggest, but obey. Some never do learn. Yet I doubt if my patriotism, during my first three weeks' drill, was quite knee high. Drilling looks easy to a spectator, but it isn't. Old soldiers who read this will remember their green recruit-hood and smile assent. After a time I had cut down my uniform so that I could see out of it, and had conquered the drill sufficiently to see through it. Then the word came: On to Washington!

2. THE NEW YORK DRAFT RIOTS

The first conscription occurred in 1862 when Lincoln asked the states to draft 300,000 men. This produced only 88,000, so Congress reluctantly turned to national conscription. By the act of March 3, 1863, all men between 20 and 45 were registered and declared subject to military service. No provision was made for calling younger men first or exempting special groups, although temporary exemption could be had for \$300 or a permanent dismissal by furnishing a substitute. Naturally, such a system worked an undue hardship upon the poor. The first drawing of

names in the poorer sections of New York City was the signal for a series of bloody riots. Negroes, especially, were targets for the rioters' anger, who blamed them for the war and the draft. This story was told by one of the military men ordered into the city to help restore order²

EARLY IN THE SUMMER it had been announced from Washington that a compulsory addition was to be made to the armies in the field by means of a general conscription. The quota of the city of New York was fixed at 12,500, and that of Brooklyn at 5,000. Colonel Robert Nugent, of the Sixty-ninth New York Volunteers — a captain in the Thirteenth United States Infantry — was detailed as assistant provost marshal general, and established his headquarters in Leonard street. The business of his department was conducted with quiet discretion, and the bugbear of a draft, which at first had created great consternation, in the course of time lost its terrors, as people became accustomed to its contemplation. Still there was a deep-seated hostility to the proposed conscription, which the political opponents of the war fostered as sedulously as they dared, with the hospitalities of Fort Lafayette and its sturdy commandant, Martin Burke, staring them in the face.

On Monday, June 29th, Governor Seymour, in Albany, received private information that a deep laid conspiracy was on foot in New York to resist the draft. Hastening to the city the details of the plot were communicated to him from the same source, to the effect that a large body of deserters, 1,800 strong, acting in concert with another large body of "Copperheads" were banded together to oppose the draft. Arms were to be obtained for the revolutionists by a simultaneous attack on the State arsenal on Seventh avenue, and on the Seventh Regiment armory, to be made during the night of July 3rd, when it was believed that the noise and confusion attendant upon ushering in the national holiday would render the movements of the leaders in the daring project less liable to be observed. Governor Seymour held a council with Mayor Opdyke and General Sanford. Strong guards were posted at the places threatened with attack. The police authorities were privately notified, and Superintendent Kennedy detailed

trusty officers to watch the armories, and to report the slightest circumstance of an unusual character that might occur in their neighborhood. Having made preparations for the assault General Sanford left the city on Friday morning, confiding the management of affairs to General Spicer. The night passed quietly, however. No attack was made, no conspirators exposed themselves to arrest, and the Governor and the small circle whom he had admitted to his confidence satisfied themselves that the whole affair was a hoax, gotten up with the mischievous intent of creating an alarm. The incident, however, revealed the existence of a dangerous under-current of sentiment in New York, at that time, hostile to the war policy of the government, and competent to impress itself with fatal distinctness upon the minds of the ignorant masses who make up so large a portion of that city's foreign population. The "Peace Party," as the opposition styled itself, was carrying things with a high hand. At a meeting in the Twenty-second ward, held shortly after the 4th of July, the approaching conscription was denounced in bitter terms, and the President and his cabinet were stigmatized as "murderers" and "despots." The train was, beyond a doubt, being carefully laid, when an unexpected spark brought about a premature explosion.

The 11th of July was the date appointed for the draft to begin. As that day fell on Saturday its selection was particularly ill-advised, the Sabbath holiday which followed affording the ignorant masses, as well as the disaffected element of the population, an opportunity for studying into the situation through the morning papers, and of discussing the prospect over their liquor — the probable result of which might have been easily foreseen. Some slight impediments had been placed in the way of the enrolling officers, but nothing had occurred to excite apprehensions of any outbreak, and the first day's work of conscription passed off in a quiet and orderly manner. The drafting took place in the deputy provost marshal's office . . . , and 1,236 names were peacefully drawn that day out of the 1,500 called for from the Twenty-second ward. It was believed that the popular enthusiasm created by the routing of Lee's army had effectually silenced the anti-war party. Some hopeful ones expressed the belief that the contest was so near its close that even if the draft went on the conscripts would never be called for in the field. Then that fatal Sunday intervened. On the following morning the papers stated that the Irish laboring

² Major T. P. McElrath, "The Draft Riots in New York." *The Annals Of The War Written By Leading Participants North and South* (Philadelphia: The Times Publishing Company, 1879), pp. 286-292, 298-299, 300-302.

classes in the Twentieth ward, where the draft was to be held that day were in a state of intense excitement, and threatened to resist it to the utmost.

The threat was speedily put into execution. The Sunday deliberations had evidently led to a determination to break up the drafting depot on Third avenue. About nine o'clock in the morning fifty rough and rowdyish-looking fellows were observed, by persons doing business on the East river, in the region of Grand street, prowling along the wharves and picking up recruits. Gaining insolence by increase of numbers, they entered the foundries and warehouses, and by persuasion and threats induced the workmen to join them. Simultaneously with this movement a similar one was progressing on the west side. About ten o'clock a large body of laboring men and ill-favored ruffians, armed mostly with clubs and bludgeons, after holding a brief parley in a vacant lot near Central Park, marched down Forty-second street to Third avenue. The deputy marshal's office was immediately entered, Captain Jenkins and his assistants retreating precipitately through a rear door. The wheel containing the names was carried away safely, but all the books and papers that could be found were destroyed, and the building itself was set on fire. Police Superintendent Kennedy, who was driving across the town on a tour of inspection, observed the flames, . . . proceeded unsuspiciously and unarmed on foot to the scene of the disturbance. Although not in uniform he was recognized. In an instant he was set upon and beaten so brutally that when, after a race for life of several blocks, he was happily rescued from his pursuers and carried in a market wagon to the police headquarters in Mulberry street, his colleagues failed to recognize him. He was the first person assaulted in the riot. Police Commissioner Acton immediately realized the situation. He assumed command, and dispatching what police were available (forty-four in number) to the scene of the riot, telegraphed to each of the thirty-two precincts covered by the Metropolitan police for the whole reserve force to be concentrated at the headquarters. This wise step was taken just in time, for soon afterwards the rioters had cut down the telegraph poles and destroyed all communication between the headquarters and the upper precincts of the city.

A futile effort had meanwhile been made to subdue the rioters in Third avenue by a force of between forty and fifty invalid soldiers, who were ordered to the aid of the deputy provost marshal

from the Park barracks. These soldiers held the key of the situation in their hands. The mob up to this period was entirely without definite organization and destitute of leaders, and was wholly incapable of maintaining its ground against a resolute attack of disciplined troops. But either through a mistaken sense of their own superiority, or a misguided disposition to leniency, the soldiers contented themselves with firing a harmless volley over the heads of the rioters. The latter, who a moment before were wavering, saw their opportunity immediately. They rushed the soldiers, wrested from them their yet unloaded weapons, and drove them in wild confusion down the avenue. Two of the soldiers were beaten down, and left for dead on the pavement. Others would doubtless have suffered a similar fate, had they not fortunately encountered in their flight the police force sent by Commissioner Acton. The mob, having tasted blood after receiving its baptism of fire, was by this time worked up into a state of uncontrollable frenzy. Brandishing clubs and muskets above their heads, and yelling, and shouting, they rushed down the avenue like a torrent. Sergeant McCredie, who commanded the police, expecting speedy reinforcements, deployed his men in line across the street, and, as the head of the disorderly column approached, he ordered a charge. Despite their overwhelming numbers, the mob could not withstand this onset of a disciplined force. Step by step, they were driven back three blocks. By the time Forty-sixth street was reached, however, Sergeant McCredie's little band was thoroughly exhausted. The expected reinforcements did not arrive. A large body of rioters, who had slipped out of the way in Forty-fifth street, seeing the paltry number of police before whom they were retreating, emerged again into the avenue, in rear of the latter, thus hemming them in on every side. Fighting was no longer in the question. The brave little force broke and fled, every man seeking his own safety, and all eventually escaped, though nearly every one of the party was severely beaten and wounded. This first triumph of the mob was achieved about noon. The excitement had spread rapidly through the city, and at that hour Third avenue . . . was black with human beings — the sidewalks, housetops and windows being all crowded with rioters, or spectators. It was estimated that fifty thousand persons were thus congregated within the stretch of thirty blocks along the avenue.

The attention of the mob having been drawn

away in the manner related from the building they had set on fire, the firemen succeeded in subduing the flames, after four houses had been burned to the ground. It is deserving of notice that, while these terrible scenes were being enacted in the Ninth district, the draft in the Eighth district . . . was going on without molestation. It was adjourned at noon, and the policemen in attendance hastened to the aid of their comrades on the east side. In the meantime the work of destruction progressed, but in an irregular and desultory manner, clearly indicating the absence of previous arrangement. The news of the uprising, as it spread through those portions of the city where the low Irish dwelt, stirred up the dregs of the population, and they came thronging forth in great numbers, so that at almost every turn a mob was discernible. Splitting up into several sections, as different objects attracted them, they would rejoin and separate without apparently any concert of action. A shout and a cry in one direction would call off a throng, while a similar shout in another direction would attract a portion thither. The armory, at the corner of Second avenue and Twenty-first street, was captured from the police detailed to hold it, and the rioters, after arming themselves, destroyed all the material they could not carry away. Several of the attacking party were killed in this encounter. One detachment started for Captain Manierre's drafting office . . . which they burned down. The rich goods in the stores on the block of Broadway, between Twenty-eighth and Twenty-ninth streets, turned the attention of the mob to plunder. It was estimated that the active rioters in this crowd were not over one hundred in number, but they were attended by an enormous horde, including women and children, who displayed a skilled expertness in appropriating property. Watches, bracelets, jewelry, and valuable goods of all kinds disappeared from the stores, as if by magic, and in an hour's time the whole block had been devastated and set on fire. It was completely destroyed. Simultaneously with these two outrages, a third and larger squad of rioters broke away in the direction of the Colored Orphan Asylum. . . .

The old antipathy of the Irish to the negroes had already been given full vent, and since noon had manifested itself in various parts of the city—even those remote from the scenes of worst outrage—by a sort of desultory persecution of black people wherever they were met. The station-houses were filled with the hounded crea-

tures seeking protection; and about the time of the attack on the orphan asylum, a colored cartman had been murdered, mutilated, hanged, and burned, in Clarkson street, under circumstances of atrocity unparalleled in civilized communities. On their way, the mob stopped to sack and burn two valuable dwellings . . . after which the orphan asylum was subjected to a pillage, which lasted nearly two hours; and the edifice was then, despite the earnest efforts of the firemen, burned to the ground. The inmates had been removed before the mob's arrival. Soon after this, the crowd, flushed with success and maddened with liquor, made a demonstration on the police headquarters. They were met, in Broadway, . . . by Inspector Daniel Carpenter, who, after a brief struggle, drove them back with terrible punishment. No more spirited fight took place during the entire riots than this one, in which a desperate mob, armed with every description of weapon, and numbering several thousand, were routed by two hundred policemen, armed solely with their clubs. A similar scene was enacted at about seven o'clock in the evening, when an attack was made on the *Tribune* building. Here, again, the crowd was enormously in excess of the police; and here, again, the latter swept the ruffianly assailants before them like chaff before an autumn breeze. This ended the heavy fighting of the day, though minor disturbances occurred at various points during the evening, including the burning of Postmaster Wakeman's house. . . .

Scenes of violence and carnage, such as I have described, prevailed in the streets of New York from Monday noon until Thursday night. The political sentiment, which displayed itself in the original assault on the draft office . . . disappeared after that demonstration, and thenceforward the mob was actuated solely by an instinct of rapine and plunder. . . . Outbreaks would occur simultaneously in widely-separated sections of the city, compelling the police and military to split up into small detachments. . . .

At an early hour in the morning [Thursday, July 16] the Seventh Regiment New York Militia, which had been summoned home by telegraph, arrived, and the other militia regiments followed during the day. By this time the riot was regarded as practically over. Mayor Opdyke had the day previous issued a proclamation, calling on the citizens to resume their avocations. It was announced from Washington that the draft had been suspended, and the Common Council

appropriated \$2,500,000 toward paying \$300 exemption money per man to the poor who might be drafted. . . . The riotous spirit, which for three days and nights had held the metropolis by the throat, though crushed, was not yet wholly extinguished. The "Permanent Guard" had encounters during the day with rioters on Fourth avenue. . . . A heavy fight took place about one P.M. at Jackson's foundry. . . . The mob, driven to final desperation, rallied repeatedly after being dispersed by the soldiers and renewed their attack. The troops were so divided, engaged in patrolling the city, that it was night before a sufficient force could be concentrated by General Brown to finish the work of subjugation. Captain Putnam, with several companies under his command, earned this crowning honor, and, about ten P.M., in a heavy thunder-storm, finished successfully the last fight of the New York riots.

While these military operations were in progress, other influences were being exerted for the restoration of peace and order, none of which, however, had any perceptible effect. Governor Seymour arrived in New York on Tuesday, and issued a proclamation, notifying the insurgents that the only opposition to the conscription that could be allowed was an appeal to the courts, the right of every citizen to make which would be maintained, and urging all to stand firmly by the authorities in sustaining law and order in the city. . . . He issued a second proclamation declaring the city in a state of insurrection. . . .

The exact number of rioters killed was never ascertained. It was reported, how truly I cannot say, that the remains of many of them were secretly carried into the country for burial. Governor Seymour, in his next annual message, stated that "the number of killed and wounded is estimated by the police to be at least one thousand." The mortality statistics for the riot week at the City Inspector's office showed an increase of four hundred and fifty over the average weekly mortality, including ninety deaths from gunshot wounds. The increase for the month was twelve hundred. A large number of wounded persons probably died during the following week. Only three policemen were killed. The damage to property was more precisely estimated. A committee was appointed by the county supervisors to audit claims for damages, for all of which the county was responsible under law. Claims were presented to the amount of \$2,500,000, of which \$1,500,000 were allowed, and were paid as expeditiously as possible.

3. WARTIME FRAUD

Most northern communities accepted the draft in an orderly fashion, and their citizens shouldered the burdens and sacrifices with little complaint. There was, however, a small minority who used the camouflage of war to enrich themselves. They are important to note as many of these men became the "shoddy" millionaires of the post-war period. Colonel H. S. Olcott, a special investigator for several governmental departments, left a scathing denunciation of such people and their practices.³

BY THIS TIME, November, 1862, the government had expended many millions of dollars, and the little army of twenty thousand men that we had when Sumter was fired upon had been increased to hundreds of thousands. The initial Confederate act of war not only forced upon us the gigantic work of transforming an industrial people into soldiers, but of arming and equipping them as well. This was the harder task of the two. Men there were by the hundred thousand, ready to take the field; but, to uniform them, cloth had to be woven, leather tanned, shoes, clothing, and caps manufactured. The canvas to shelter them had to be converted from the growing crop into fabrics. To arm them the warehouses and armories of Europe, as well as of this country, had to be ransacked. All considerations of business caution had to be subordinated to the imperious necessity for haste. If it was the golden hour of patriotism, so was it equally that of greed, and, as money was poured by the million, by the frugal, into the lap of the government, so was there a yellow Pactolus diverted by myriad streamlets into the pockets of scoundrels and robbers—official and otherwise. The public necessity was their opportunity, and they made use of it.

The rush of men to the front left the War Office no time to be nice over details; so that, as the volume of administrative business overflowed the bureau machinery for its supervision, things were, in a measure, suffered to take their course. An unhealthy tone pervaded everything; speculation was the rule—conservatism the exception. We floated on a sea of paper, into a fool's paradise. Contractors, bloated with the profits on shoddy, rode in emblazoned carriages, which, a little while before, they would have been glad to drive as hirelings; and vulgar faces and grimy fingers were made more vulgar and coarse with

³ H. S. Olcott, "The War's Carnival of Fraud," *Annals of the War*, pp. 706-708.

the glare of great diamonds. Intrigue held the key to the kitchen-stairs of the White House, shaped legislation, set cheek by jowl with Congressmen, and seduced commissioned officers from the strict path of duty. Our sailors were sent to sea in ships built of green timber, which were fitted with engines good only for the junk-shop, and greased with "sperm" oil derived from mossbunkers and the fat of dead horses. For one pound of necessary metals, one yard of fabric, one gallon of liquid, the price of two was paid. Our soldiers were given guns that would not shoot, powder that would only half explode, shoes of which the soles were filled with shavings, hats that dissolved often in a month's showers, and clothing made of old cloth, ground up and fabricated over again.

In the navy yards there was a system of corrupt bargains between the public servants and contractors, under which goods of inferior quality and short on quantity were accepted as of the lawful standard and count; public property was purloined and carried off in open daylight; scores of superfluous men were quartered on the pay rolls by politicians; navy agents colluded with ring contractors to buy of them all supplies at highest market rates on an agreement for a fifteen per cent. commission, and clerks in the yards, for a consideration, would slip the pay requisitions of these ring thieves from the bottom to the top of the pile that awaited the official certificate of approval, so that they might draw their money at once, to the prejudice of honest dealers. There was no such thing as the taking of a general account of stock — not even a keeping of the accounts by double entry. The old regular officers in charge of bureaus, high toned and unsuspicious, were flattered into a fatal sense of security by subordinates bound body and soul to thieves.

In the military arsenals, the same recklessness

prevailed. Here and there were to be found public servants without a moral ulcer within their breasts. But such were annoyed and hampered in the execution of duty, overriden, too, often by positive orders from superiors to receive supplies not up to army standard, and, when too obstinate, were removed to posts less desirable. The army standards were themselves debased under the plea of an exigency. In the letting of contracts, a fair competition was frustrated by the transparent conspiracy of bidders, who would put in absurdly low proposals under fictitious names, and then bid themselves at the highest price that, from surreptitious information received, they knew would throw out honest competitors and secure them the contract. Their profits were calculated to come out of the delivery of inferior articles of skimmed measure to government inspectors, with whom they had an understanding. Presents of horses, carriages, jewelry, wines, cigars, and friendly help toward promotion, though passing under a politer name than bribery, effected the same results as though they had not. Every artifice that rascally ingenuity could devise, and clever men and women carry out, was resorted to to procure the brigadier's stars or the colonel's eagles for ambitious incompetents. The sacred secrets of our government were sold to the enemy; loud-mouthed hypocrites trafficked across the lines; the very medicines for the sick were adulterated, and dishonest gains were made out of the transportation of the wounded. Nay, so vile was the scramble for money, so debasing its influence, that our dead heroes were followed into the very grave by the plundering contractor, who cheated in the coffin that was to hold the sacred dust, and amassed fortunes by supplying rotten head-stones in defiance of accepted stipulations. What shall we call this wretched episode of national history but a Carnival of Fraud? . . .

II

The South

THE SOUTH, TOO, WAS CONFRONTED with the dual problem of supplying sufficient men and supplies for its army. Here, also, after the first burst of enthusiasm, the government had to induce enlistments by bonuses. Finally, several months before northern conscription was ordered, all able-bodied male whites between the ages of eighteen and forty-five were

declared eligible for service in the Confederacy. In the dark days at the war's end, Negro slaves were ordered into uniform as a last resort.

Economically, the Confederacy faced an almost insurmountable task. The North already had the foundation for an industrial expansion which, given time, could amply supply its needs. On the other hand, the South depended almost entirely on outsiders for its manufactured goods. The best hope for economic survival lay in breaking the northern sea blockade or intervention by a friendly European power. When neither of these materialized the South's story became one of desperate need and inflation which eventually almost paralyzed the Confederacy.

1. THE SOUTH GOES TO WAR

The outcome of any war is always greatly influenced by the attitude of the non-combatants. Great odds can often be overcome as long as the government is supported and the burdens and hardships borne cheerfully. Professor Ellis Merton Coulter discusses this important subject of Confederate morale.⁴

FOR ALMOST HALF A CENTURY Southerners had let their imaginations play upon the establishment of a Southern Confederacy, but not until the 1850's did fancy turn into burning desire. By this time the South had come to look upon the North as little less than a millstone around its neck, making further progress all but impossible. So, with the coming of the Confederate States of America, a wave of optimism seized the people, making them look forward to their destiny with the enthusiasm of a child about to come into a heritage left as a gift by Santa Claus. "We are in the dawn of an Era of prosperity and happiness unprecedented in the annals of Nations," exclaimed a Georgian; "We cannot hope to make this a real land of Beulah; but near approaches are not denied to us," wrote another Southerner to Secretary of the Treasury Salmon P. Chase. Lucius Q. C. Lamar, speaking in June, 1861, from the balcony of the Spotswood Hotel in Richmond, told the assembled multitude that they now had a beloved country—"for, thank God! we have a country at last . . . to live for, to pray for, to fight for, and if necessary, to die for." A voice from the crowd answered back, "Yes, I am willing to die for it a hundred times over."

It was a country not only to love, but one in

which to grow rich and powerful. An Alabamian saw the South "destined to become the proudest and most powerful country that ever flourished in the tide of time"; and a Louisianian echoed that there was "no country upon the face of the globe" that combined "all the elements of greatness, power and wealth so beautifully" as were "embraced within the limits of the slave States." After three years of war Robert M. T. Hunter of Virginia still saw "peace, liberty, independence, unrivalled opportunities for moral, material, and social development, and a renown which the proudest nations of the earth may admire and envy." The South was now to enter a richer material life in which commerce and manufactories, as well as agriculture, would play their part. And why not? It was as large as any European nation, excluding Russia and Turkey; it had five times the population that had won independence from Great Britain; it had provided four fifths of the exports of the former United States; and it had a homogeneous white population uncontaminated by foreigners. Unlike the French Revolutionists, it would not remake the calendar; it would not declare 1861 the Year One; yet a movement, persistent but unsuccessful, broke out to abolish the Yankee system of weights and measures, inherited from the English, and to establish the more exact and sensible metric system. Had not Thomas Jefferson gone part of the way when he set up the decimal system for American money? . . .

. . . It was with a light heart that most Southerners entered into the secession movement, for they felt that there would be no war; when the war came, they entered it lightheartedly, for they felt that they would surely win. The fact that the remaining area of the United States was about three times as large as the Confederacy, and its population almost four times as large as the number of white Southerners, did not in the beginning discourage them. Northerners would be poor soldiers compared with Southerners; and the more than 700,000 square miles of the Con-

⁴E. M. Coulter, *The Confederate States of America, 1861-1865 (A History of the South, VII)*, Baton Rouge: Louisiana State University Press and The Littlefield Fund for Southern History of The University of Texas, 1950), pp. 57-58, 68-71, 75. Used by permission of the author, the Louisiana State University Press and The Littlefield Fund of The University of Texas.

federacy would be space enough in which to draw out Federal forces to their ultimate defeat, as surely as the immensity of Russian territory, as much as the Cossacks, had defeated Napoleon. And though Southern manufactories were almost nonexistent as compared with Northern industry, Southerners ignored this woeful insufficiency as they pointed to their vastly strong agricultural establishment, whose cotton alone, in the opinion of Benjamin H. Hill, would pay for a successful war, if it took a hundred years to fight it. Many Southerners considered agriculture an element of strength and stability rather than a weakness, for thereby there was no concentration to be easily attacked and destroyed by the enemy as would be the case if the Confederacy's strength lay in its cities. "It is not the cities which raise cotton," said a Richmond editor, "they are small affairs at the best, and made up in great part of Yankees." Even if the Confederacy should be overrun, thought another, it would take 500,000 troops to police it and cost \$5,000,000 a year.

The Confederacy took on an attitude of good cheer, from President Davis on down to the most lowly citizen. Time and again from the beginning to the final collapse there were voluble leaders who insisted that the Confederacy had sufficient resources to win the war. James D. B. De Bow, in his well-known *Review*, promised that the South would be "more than a match, when fighting upon her own soil and in sight of her own homes, for any twenty million that could be organized against" it. Davis' early messages to Congress radiated confidence; a former Unionist of North Carolina declared that the "cartridge box is preferred to the ballot box," and that the "very women and children are for war." The masses everywhere became war-minded, and some even said war was a great institution, bringing out the best in the people. War-minded Southerners thought they heard the guns of battle as far as 150 miles away; a Huntsville, Alabama, girl came into possession of some hairs from the tail of Beauregard's horse and to some of her special friends she sent a few; war-consciousness ruled people's minds. A Georgian said, "the climate will fight for us in summer and we will try in winter."

To serious-minded Southerners, in their calmer moments, it was evident from the beginning that if the victory depended entirely on material resources, the South must inevitably lose; but, rightly, they held that other, intangible, factors were involved. They remembered from Biblical lore that the race was not always

to the swift nor the battle to the strong. They also knew that it was the actual use made of resources and not merely their possession that counted. In fine, it was not only skill in handling resources, but morale—the will to win. If the South possessed enough of this, it could not lose. Davis said, "Liberty is always won where there exists the unconquerable will to be free, and we have reason to know the strength that is given by a conscious sense not only of the magnitude but of the righteousness of our cause"; Stephens knew that no Northern army could ever defeat a people "determined never to submit"; and the Richmond *Whig* declared that a "virtuous and gallant people in a good cause never have failed."

Having less of every other war resource, the South must excel in one thing especially—morale. If it should ever have less of this the war would be lost. Without the will to win, George Fitzhugh said, all the money in the world would be of no avail; and the Richmond *Examiner*, somewhat discouraged by 1864, said, "The country will never be unable, if willing, to supply the wants of its Government, but it may easily become unwilling; and then no pressure of legislation will be of any value." As the war wore on, people in their private correspondence began to give way to such expressions as these: "The discouraging spirit of despondency, is to be dreaded more than the power of the enemy"; and "Our great danger and only one, is that the spirit of the people may give way." And herein, actually, lay the fundamental cause for the collapse of the Confederacy.

Propaganda techniques, as they were later to be developed, were never used by either the South or the North in this war. Yet without any central organization or direction, sundry devices grew up to hold and increase enthusiasm and to steel the hearts of the people. Songs were written and sung, and patriotic stationery, whereon Confederate flags, symbols of liberty, and fervent poetry carried their messages, was widely used. On one envelope was this: A man sitting on a bale of cotton, with these words, "Our Throne. Cotton defeated Packenham, and cotton will defeat 'Ape Lincoln.'" On another was this stanza:

Stand firmly by your cannon,
Let ball and grape shot fly,
And trust in God and Davis.
But keep your powder dry.

To popularize Davis and the principal military leaders, their pictures were offered for sale;

and the only instance in American history where a picture of a living person has appeared on a postage stamp was Jefferson Davis on Confederate stamps. Many Confederates who had never seen Davis before the war and were never to see him during the conflict saw a poor likeness of him on these stamps. . . .

Morale was, of course, highest at the beginning of the war. Then and for sometime following, this enthusiasm for the war expressed itself in impressive and unusual ways. Now, more than ever after the Confederacy appeared as one great family; people felt obliged to each other and to their government like loyal members of that family. To the governments, state and Confederate, the people, high and low, poured out their contributions. Large planters offered the free services of their slaves; an Arkansas widow gave the Confederate government 400 bales of cotton; a Charleston lady gave her silverware; and a Charleston gentleman donated \$10,000 in gold. A lady school-teacher gave her full salary, and the students of Lucy Cobb Institute in Athens, Georgia, sought to save the Confederacy from bankruptcy by a donation of \$120. At the suggestion of a Georgia clergyman, on a Fast Day in the summer of 1861 the churches took up a collection for the Confederacy amounting to \$5,278.88, which Congress appropriated for sick and wounded soldiers. A private killed in action willed his estate to the Confederate government, and a Georgian offered to be one of 100,000 people to give \$1,000 apiece for building a Confederate navy. A New Orleans merchant gave a Mississippi county a battery of six cannon, worth \$40,000, to stimulate recruiting; a Georgia lumber mill offered to saw free 20,000 feet of lumber for pike handles; and the railroads gave reduced rates on all Confederate business. So the story went, of strong citizens lifting up weak governments.

2. LIFE OF THE NON-COMBATANT

*Hardly had secession been announced when J. B. Jones dedicated himself to chronicling the rise of the South. In order to get all of the story he became a clerk in the Confederate War Department and moved with the government from Montgomery to Richmond. During those years he kept a diary which has become a primary source of information on nearly all phases of southern life during the war years.*⁵

⁵ J. B. Jones, *A Rebel War Clerk's Diary* (Philadelphia: J. B. Lippincott & Co., 1866), I. pp. 128, 165, 240—

MAY 23d. [1862]—Oh, the extortioners! Meats of all kinds are selling at 50 cts. per pound; butter, 75 cts.; coffee, \$1.50; tea, \$10; boots, \$30 per pair; shoes, \$18; ladies' shoes, \$15; shirts, \$6 each. Houses that rented for \$500 last year, are \$1000 now. Boarding, from \$30 to \$40 per month. General Winder has issued an order fixing the maximum prices of certain articles of marketing, which has only the effect of keeping a great many things out of market. The farmers have to pay the merchants and Jews their extortionate prices, and complain very justly of the partiality of the general. It does more harm than good. . . .

OCTOBER 8th. — . . . My wife has obviated one of the difficulties of the blockade, by a substitute for coffee, which I like very well. It is simply *corn meal, toasted like coffee*, and served in the same manner. It costs five or six cents per pound—coffee, \$2.50.

JANUARY 18th. [1863]—It was bitter cold last night, and everything is frozen this morning; there will be abundance of ice next summer, if we keep our ice-houses.

In these times of privation and destitution, I see many men, who were never prominent secessionists, enjoying comfortable positions, and seeking investments for their surplus funds. Surely there must be some compensation in this world or the next for the true patriots who have sacrificed everything, and still labor in subordinate positions, with faith and patient suffering. These men and their families go in rags, and upon half-rations, while the others fare most sumptuously.

We are now, in effect, in a state of siege, and none but the opulent, often those who have defrauded the government, can obtain a sufficiency of food and raiment. Calico, which could once be bought for 12½ cts. per yard, is now selling at \$2.25, and a lady's dress of calico costs her about \$30.00. Bonnets are not to be had. Common bleached cotton shirting brings \$1.50 per yard. All other dry goods are held in the same proportion. Common tallow candles are \$1.25 per pound; soap, \$1.00; hams, \$1.00; opossum \$3.00; turkeys \$4 to \$11.00; sugar, brown, \$1.00; molasses \$8.00 per gallon; potatoes \$6.00 per bushel, etc.

These evils might be remedied by the government, for there is no great scarcity of any of the substantials and necessities of life in the country, if they were only equally distributed. The difficulties, 241, 243, 282-283, 291-295; II. pp. 386, 388. Used by courtesy of the publisher.

culty is in procuring transportation, and the government monopolizes the railroads and canals.

JANUARY 21st. — . . . Conscription drags its slow length along. It is not yet adding many to the army. The Assistant Secretary of War, and several others, "by order of the Secretary of War," are granting a fearful number of exemptions daily. Congress, I hope, will modify the exemption bill immediately. It is believed enrolling officers, surgeons, and others are permitting thousands to remain at home "for a price." Even clerks in the War Department, it is said, are driving a lucrative business in "getting men off," who should be on duty, in this war of independence. . . .

MARCH 30th. — . . . The gaunt form of wretched famine still approaches with rapid strides. Meal is now selling at \$12 per bushel, and potatoes at \$16. Meats have almost disappeared from the market, and none but the opulent can afford to pay \$3.50 per pound for butter. Greens, however, of various kinds, are coming in; and as the season advances, we may expect a diminution of prices. . . .

I am spading up my little garden, and hope to raise a few vegetables to eke out a miserable subsistence for my family. My daughter Ann reads Shakspeare to me o' nights, which saves my eyes.

MARCH 31st. — Another stride of the grim specter, and cornmeal is selling for \$17 per bushel. Coal at \$20.50 per ton, and wood at \$30 per cord. And at these prices one has to wait several days to get either. Common tallow candles are selling at \$4 per pound. I see that some furnished houses are now advertised for rent; and I hope that all the population that can get away, and subsist elsewhere, will leave the city.

The lower house of Congress has passed a most enormous tax bill, which I apprehend cannot be enforced, if it becomes a law. It will close half the shops — but that may be beneficial, as thousands have rushed into trade and become extortioners.

APRIL 17th. — . . . We are planting almost every acre in grain, to the exclusion of cotton and tobacco — resolved never to be starved, nor even feel a scarcity of provisions in future. We shall be cutting wheat in another month in Alabama and other States. . . .

Pins are so scarce and costly, that it is now a pretty general practice to stoop and pick up any found in the street. The boardinghouses are breaking up, and rooms, furnished and unfur-

nished, are rented out to messes. One dollar and fifty cents for beet, leaves no margin for profit, even at \$100 per month, which is charged for board, and most of the boarders cannot afford to pay that price. Therefore they take rooms, and buy their own scanty food. . . .

Our danger is from within, not from without. We are distressed more by the extortioners than by the enemy. Eternal infamy on the heads of speculators in articles of prime necessity! After the war, let them be known by the fortunes they have amassed from the sufferings of the patriots and heroes! — the widows and orphans!

JANUARY 14th. [1865] — Flour is \$1000 per barrel to-day!

JANUARY 16th. — . . . Gold was \$70 for \$1 on Saturday: what will it be to-day or to-morrow?

3. SOUTHERN DESERTIONS

*The Confederacy had its share of war profiteers — men who traded with the enemy, black marketeers, and cotton speculators. But one of the ugliest scandals, indicative of breaking morale, was the great number of desertions during the last years of the war. Large groups of men, almost whole armies, faded away in the night. Miss Ella Lonn has discussed this subject in the following extract.**

First, and probably foremost, in the minds of the Confederate leaders as an explanation of dissatisfaction stood the character of many of the privates. Some, untutored and narrow-minded, dragged from the rocky mountains of the Carolinas, Georgia, and Alabama, from the pine hills and lowlands of Louisiana, and from the swamps of Florida and Mississippi, were ignorant of the real issues at stake and were but little identified with the struggle. So ignorant were some of them that when paroled by the North after capture they actually supposed that it released them from further obligation to the Confederacy. The illiterate backwoodsman . . . was little interested in the economic aspects of the war, as he could see nothing in it for himself. When dragged from his farm plot into the Southern army, he often proved a passive Union sympathizer, as he was ready to fall back into his neutrality as deserter at the first opportunity. The controlling motive with these men was frequently not love for the Union, but a determination to avoid mili-

* Ella Lonn, *Desertion During The Civil War* (New York: The Century Company, 1928), pp. 3-5, 7, 12, 14, 17-18, 27-28. Used by permission of the American Historical Association.

tary service. They cared little for the approbation or condemnation of their fellows, especially distant officials at Richmond. In fact, they showed a conspicuous lack of that quality which we applaud as patriotism, while a few proved, as is true in every army, downright cowards. The usual stories of men maiming themselves to avoid service are to be found. . . .

The net of the conscript service, moreover, dragged in men of Northern birth and also foreigners, particularly Germans and Irishmen, who knew little and cared less for the burning American question of State rights. Northern-born men were in most cases holders of considerable property or large traders for their communities. Included in this group were merchants, lumbermen, real estate dealers, bankers, doctors, and even a few planters. Many had gone into the far South recently, after 1850, so that their ties were still mainly with the North and their traditions antislavery. The reports of the Northern officers are full of instances of citizens of Northern States who had settled in the South and who had been impressed into Southern regiments. These reports are sufficiently confirmed by Confederate officers when they tersely remark, "He is a Yankee, gone to his brethren," or when they allude to him openly as a Northern or Union man. Irishmen are encountered frequently who deserted from the rebels and "cheerfully took the oath of allegiance," while the case of a Scotsman was noted who forsook his duties with the commissary department to join the North. . . .

Second in the list of causes came, undoubtedly, lack of the most ordinary necessities for the soldier — food, clothing, pay, and equipment. When men are pinched for food for three months at a stretch, at the same time that they are being subjected to protracted and arduous campaigns and constant exposure; when they have not been paid or furnished with any new clothing in from six to ten months; and when their government is not even able to put arms in their hands, the courage and enthusiasm of the bravest will ebb. The suffering of the Confederate soldier is an oft-told tale, but some further evidence rehearsed here will serve to sharpen the impression of hardships as a prime cause in the tremendous amount of desertion. . . .

Added to physical want and depression on the part of the soldiers were homesickness and mental anxiety concerning their families, whom they knew to be in need of the necessities of life in the face of ever-soaring prices. . . . With the poor mountain whites, the margin of food sup-

plies from a five-acre farm was always necessarily small. The men felt that their services in the army were useless and that their families required their attention, especially when their homes lay hopelessly within the Federal lines. Furthermore, many a man felt himself literally forced to desert in order to defend his family from outlaws. It is small wonder, when soldiers from Arkansas and the western frontier heard of Indians scalping families living on the border, that they left camp at once, with or without leave, to turn their arms to the defense of their homes. Appeals and laments from these same families did not fail to reveal their sufferings. . . .

The unredeemed promise of furloughs made at the time that the conscription law was passed was an excuse almost invariably offered by culprits when arrested, at least in North Carolina. And yet by the spring of 1863, if officers had permitted the men to go home, the armies would have been reduced to a corporal's guard, and Governor Vance frankly admitted that he did not see how that promise was to be redeemed. It is interesting to see how General Pemberton "made a virtue of necessity" by proclaiming a thirty days' furlough to his army, "as they had all gone to their homes without leave." The failure to extend to the troops of Georgia, Alabama, and South Carolina, when passing their homes, the same indulgence as had been granted those of Mississippi, gave much dissatisfaction and led numbers to leave the ranks en route.

Another grievance which contributed to desertion was the belief that men were conscripted wrongfully into the service, that this was a "rich man's war but a poor man's fight," since the wealthy seemed to bribe their way to freedom or to comfortable posts as magistrates, overseers, or government officials. . . .

A striking cause of defection in some instances was a want of active service. When near home, even good soldiers saw no reason why they should stay from their families with an inactive army. Furthermore, once begun, desertion itself became a cause of continued and further desertion; the evil fed upon itself. At first the men feared the Argus eyes of the government agents who should send them back to their regiments and to death. But before long, impunity bred contempt until deserters actually intimidated the poorly armed, inefficient home guards.

Another ground of complaint which contributed to abandonment of the government is one not often recorded in this connection. But speculation and extortion, which seem inseparable

from any government in time of war, were rampant throughout the Confederacy in the months of 1863 and were resented as the cause of military disasters on the ground that the army was not adequately supplied, and that the fortified posts were not provided with requisite stores. . . .

From 1863 the element of discouragement and hopelessness of the struggle was added to the natural weariness from the strain of the long, bitterly fought war. Some mail bags captured by United States officers showed already in 1863 that letters of Southern soldiers breathed but one sentiment — weariness of the war. Soldiers saw, despite desperate and heroic efforts, defeat everywhere, saw their toils and sufferings unproductive against apparently inexhaustible numbers. . . .

But more potent than all other causes, except possibly lack of devotion to the Confederacy and personal suffering, was the state of public opinion in the civilian population among the families and neighbors of deserters. Want and suffering undermined the morale, while in some sections, notably North Carolina, though also elsewhere, the press and some State leaders inflamed the discontent with the government and preached peace at any price, impressing the people with the hopelessness of the cause. . . .

. . . The full flood of desertion seems not to have set in until the fall of 1864, when, sweeping down all barriers, it rushed on to high-water mark during the concluding months of the war in 1865. From October 1, 1864, to February 4, 1865, a period of four months, it was stated in Richmond that nearly 72,000 had taken French leave from the Confederate armies east of the Mississippi. . . .

4. THE FALL OF RICHMOND

Richmond, Virginia, was a proud symbol of southern hopes and aspirations almost from the moment it became the capital of the Confederacy. Northerners felt that its capture would end the war; southerners believed that as long as it stood their cause lived. While hostilities did not end immediately with the fall of that city, southern dreams and pride did. J. B. Jones regretfully recorded the death of an era.

APRIL 2d. — . . . Mrs. Davis sold nearly all her movables — including presents — before leaving the city. She sent them to different stores.

An intense excitement prevails, at 2 P.M. It pervaded the churches. Dr. Hoge intermitted his services. Gen. Cooper and the President left their respective churches. . . . Dr. Minnegerode before dismissing his congregation, gave notice that Gen. Ewell desired the local forces to assemble at 3 P.M. — and afternoon services will not be held. The excited women in this neighborhood say they have learned the city is to be evacuated to-night. . . .

It is true! The enemy have broken through our lines and attained the South Side Road. Gen. Lee has dispatched the Secretary to have everything in readiness to evacuate the city to-night. . . . There is no wild excitement — yet. . . .

The negroes stand about mostly silent, as if wondering what will be their fate. They make no demonstrations of joy. . . .

APRIL 3d. — . . . Committees appointed by the city government visited the liquor shops and had the spirits (such as they could find) destroyed. The streets ran with liquor; and women and boys, black and white, were seen filling pitchers and buckets from the gutters.

A dark volume of smoke rises from the southeastern section of the city, and spreads like a pall over the zenith. It proceeds from the tobacco warehouse, ignited, I suppose, hours ago, and now just bursting forth. . . .

Some of the great flour mills have taken fire from the burning government warehouses, and the flames are spreading through the lower part of the city. A great conflagration is apprehended. . . .

Four P.M. Thirty-four guns announced the arrival of President Lincoln. He flitted through the mass of human beings in Capitol Square, his carriage drawn by four horses, preceded by outriders, motioning the people, etc. out of the way, and followed by a mounted guard of thirty. . . .

My Diary is surely drawing to a close, and I feel as one about to take leave of some familiar associate. . . . I never supposed it would end in this way.

* J. B. Jones, *A Rebel War Clerk's Diary*, II, pp 465 ff.

III

The West

FAR FROM THE SCENE OF BATTLE, separated by great stretches of uninhabited land or prairies tenanted only by Indians and buffaloes, lay the West. In general the overall development of the West continued undisturbed. It did, however, benefit by the accelerated program of communications between the North and West, inaugurated by the North to preserve the West's loyalty to the Union. The Homestead Act of 1862 and the extra demand for food caused the opening of some prairie land to wheat and corn. Colorado, scene of the 1859 gold rush, became a territory in 1861, and Nevada was admitted to the Union in 1864. All in all some three hundred thousand emigrants moved into the West during the war; some went to farm, some to hunt gold, and a number, undoubtedly, to escape the draft.

1. THE PONY EXPRESS

One of the most picturesque methods linking the North and West was the pony express. The long rides, Indian fights and hardships of the trail stirred the pulse and imagination of Americans and created a new group of heroes. Alexander Majors, part owner of the express company, told the following story in an unpolished but exciting manner.⁸

AFTER LISTENING to all Mr. Russell had to say upon the subject, we concluded to sustain him in the undertaking, and immediately went to work to organize what has since been known as "The Pony Express."

... We were already running a daily stage between the Missouri River and Salt Lake City, and along this line stations were located every ten or twelve miles, which we utilized for the Pony Express, but were obliged to build stations between Salt Lake City and Sacramento, Cal.

Within sixty days or thereabouts from the time we agreed to undertake the enterprise, we were ready to start ponies, one from St. Joseph, Mo., and the other from Sacramento, Cal., on the same day. At that time there was telegraphic communication between the East and St. Joseph, Mo., and between San Francisco and Sacramento, Cal.

The quickest time that had ever been made with any message between San Francisco and

New York, over the Butterfield line, which was the southern route, was twenty-one days. Our Pony Express shortened the time to ten days, which was our schedule time, without a single failure, being a difference of eleven days.

To do the work of the Pony Express required between four hundred and five hundred horses, about one hundred and ninety stations, two hundred men for station-keepers, and eighty riders; riders made an average ride of thirty-three and one-third miles. In doing this each man rode three ponies on his part of the route; some of the riders, however, rode much greater distances in times of emergency.

The Pony Express carried messages written on tissue paper, weighing one-half ounce, a charge of \$5 being made for each dispatch carried.

As anticipated, the amount of business transacted over this line was not sufficient to pay one-tenth of the expenses, to say nothing about the amount of capital invested. In this, however, we were not disappointed, for we knew . . . that it could not be made a paying institution, and was undertaken solely to prove that the route over which it ran could be made a permanent thoroughfare for travel at all seasons of the year, proving, as far as the paramount object was concerned, a complete success.

Two important events transpired during the term of the Pony's existence; one was the carrying of President Buchanan's last message to Congress, in December, 1860, from the Missouri River to Sacramento, a distance of two thousand miles, in eight days and some hours. The

⁸ Prentiss Ingraham, ed., *Seventy Years on The Frontier: Alexander Majors' Memoirs* (Chicago: Rand, McNally & Co., 1893), pp. 184-185, 187-192. Used by courtesy of the publishers.

other was the carrying of President Lincoln's inaugural address of March 4, 1861, over the same route in seven days and, I think, seventeen hours, being the quickest time, taking the distance into consideration, on record in this or any other country, as far as I know. . . .

In the spring of 1860 Bolivar Roberts, superintendent of the Western Division of the Pony Express, came to Carson City, Nev., . . . to engage riders and station men for a pony express route about to be established across the great plains by Russell, Majors & Waddell. In a few days fifty or sixty men were engaged, and started out across the Great American Desert to establish stations, etc. . . .

. . . I will let him [J. G. Kelley] tell the story in his own language:

"Yes," he said, "I was a pony express rider in 1860, and went out with Bol Roberts (one of the best men that ever lived), and I tell you it was no picnic. No amount of money could tempt me to repeat my experiences of those days. To begin with, we had to build willow roads (corduroy fashion) across many places along the Carson River, carrying bundles of willows two and three hundred yards in our arms, while the mosquitoes were so thick it was difficult to discern whether the man was white or black, so thickly were they piled on his neck, face, and hands.

"Arriving at the Sink of the Carson River, we began the erection of a fort to protect us from the Indians. As there were no rocks or logs in that vicinity, the fort was built of adobes, made from the mud on the shores of the lake. To mix this mud and get it the proper consistency to mold into adobes (dried brick), we tramped around all day in it in our bare feet. This we did for a week or more, and the mud being strongly impregnated with alkali (carbonate of soda), you can imagine the condition of our feet. They were much swollen, and resembled hams. Before that time I wore No. 6 boots, but ever since then No. 9s fit me snugly. . . .

"We next built a fort of stone at Sand Springs, twenty-five miles from Carson Lake, and another at Cold Springs, thirty-seven miles east of Sand Springs.

"At the latter station I was assigned to duty as assistant station-keeper, under Jim McNaughton. The war against the Piute Indians was then at its height, and we were in the middle of the Piute country, which made it necessary for us to keep a standing guard night and day. The Indians were often seen skulking around, but none of them ever came near enough for us to get a

shot at them, till one dark night, when I was on guard, I noticed one of our horses prick up his ears and stare. I looked in the direction indicated and saw an Indian's head projecting above the wall.

"My instructions were to shoot if I saw an Indian within shooting distance, as that would wake the boys quicker than anything else; so I fired and missed my man.

"Later on we saw the Indian camp-fires on the mountain, and in the morning saw many tracks. They evidently intended to stampede our horses, and if necessary kill us. The next day one of our riders, a Mexican, rode into camp with a bullet hole through him from the left to the right side, having been shot by Indians while coming down Edwards Creek. . . . This he told us as we assisted him off his horse. He was tenderly cared for, but died before surgical aid could reach him.

"As I was the lightest man at the station, I was ordered to take the Mexican's place on the route. My weight was then 100 pounds. . . . Two days after taking the route, on my return trip, I had to ride through the forest of quakenasp trees where the Mexican had been shot. A trail had been cut through these little trees, just wide enough to allow horse and rider to pass. As the road was crooked and the branches came together from either side, just above my head when mounted, it was impossible to see ahead more than ten or fifteen yards, and it was two miles through the forest.

"I expected to have trouble, and prepared for it by dropping my bridle reins on the neck of the horse, put my Sharp's rifle at full cock, kept both spurs into the flanks, and he went through that forest like a 'streak of greased lightning.'

"At the top of the hill I dismounted to rest my horse, and looking back, saw the bushes moving in several places. As there were no cattle or game in that vicinity, I knew the movements must be caused by Indians, and was more positive of it when, after firing several shots at the spot where I saw the bushes moving, all agitation ceased. Several days after that, two United States soldiers, who were on their way to their command, were shot and killed from the ambush of those bushes, and stripped of their clothing, by the red devils.

"One of my rides was the longest on the route. I refer to the road between Cold Springs and Sand Springs, thirty-seven miles, and not a drop of water. It was on this ride that I made a trip which possibly gave to our company the contract for carrying the mail by stage-coach across the

plains, a contract that was largely subsidized by Congress. . . .

"As previously stated, it is marvelous that the pony boys were not all killed. There were only four men at each station, and the Indians, who were then hostile, roamed all over the country in bands of 30 to 100.

"What I consider my most narrow escape from death was being shot at one night by a lot of fool emigrants, who, when I took them to task about it on my return trip, excused themselves by saying, 'We thought you was an Indian.' . . .

"The Pony Express was a great undertaking at the time, and was the foundation of the mail-coach and railroad that quickly followed."

2. THE TRANSCONTINENTAL TELEGRAPH

*The day of the pony express was brief, its demise hastened by a telegraph line to California. Though perhaps less dramatic, the struggle to string the telegraph line across the continent is one of the epics of American history. R. L. Thompson has given an interesting account of some of the major problems.*⁹

ALL DURING the spring of 1861 the telegraph promoters were busy working out final plans for the construction of the transcontinental line. Much attention had been given the important question of route. Upon the recommendation of Edward Creighton who had spent the entire summer of 1860 in the West surveying and gathering information, it was agreed that the Pacific Telegraph Company . . . should construct a line from Omaha, Nebraska, . . . to Salt Lake. Simultaneously the Overland Telegraph Company . . . was to push a line eastward from Carson City . . . to join with Creighton's line at Salt Lake. But transcontinental service was not to wait for the completion of the lines. Through an arrangement worked out with the Pony Express service was to cover the gap between the lines until their union was effected. As an incentive to speed up the work, it was agreed that the company completing its line to Salt Lake City first was to retain the full tariff received for messages between Omaha and San Francisco, until the entire line was complete. Should either party arrive at Salt Lake with their completed line four months in advance of the other, they were to receive \$50 a day thereafter until the line was finished. . . .

⁹ R. L. Thompson, *Wiring a Continent* (Princeton: Princeton University Press, 1947), pp. 361-367. Used by permission of the publisher.

The \$40,000 annual subsidy offered by the Government was to be divided in the ratio of 60 percent for the lines east of Salt Lake City, and 40 percent for the lines west of that point, until the gross annual receipts of the California interests on transcontinental business should exceed \$70,000 per annum, when their proportion was to be reduced to 30 percent. . . .

Wade, Sibley, and their fellow promoters hoped that the project could be completed before the close of the year, but with nearly 2,000 miles of line to be constructed before winter should halt all activities, there was no time to lose. On May 27 a great telegraph expedition headed by Superintendent James Gamble and his assistant, I. M. Hubbard, left Sacramento with a train of 25 wagons loaded with telegraph materials and supplies, 228 oxen, 18 mules and horses, and 50 men. They had estimated 15 days to get through the Sierra Nevadas, but the long heavily-laden train passing along the narrow mountain roads was delayed by incoming trains for a day at a time. Finally the telegraph train was broken up into several sections and its progress was somewhat accelerated. As a result of delays the expedition did not reach Carson City until late in June. By the close of the month work was being pushed energetically from both Carson City and Salt Lake City.

While Gamble and Hubbard were leading their expedition over the Sierra Nevadas, another large expedition was being organized at Omaha by Edward Creighton and his lieutenants. Nearly 400 men were fitted out with rifles, navy revolvers, and the necessary provisions for a hard season's campaign. For the transportation of the material and provisions for this army of workmen, 500 head of oxen and mules and over 100 wagons were purchased.

On June 15, while in the midst of their preparations, came a startling announcement: "The Telegraph line through Jefferson City, Missouri, has been torn down by order of Governor Claiborne F. Jackson." War had swept across the path of progress. Here was just one more problem for Creighton and his lieutenants to worry about; but for the moment the all-important task was that of pushing a line of telegraph on to Salt Lake.

When all was ready the great telegraph expedition rolled westward from Omaha; their first pole was set on the fourth of July. On the same day in Washington, D. C., Congress was convening in special session to vote loans and taxes, and to authorize President Lincoln to recruit an

army of half a million men for the bloody Civil War.

The problems which confronted the telegraph builders on this heroic venture were many and varied. Wire and insulators for the western section had to be shipped from New York via Cape Horn to San Francisco and then hauled over the Sierra Nevadas to Carson City and beyond; or sent up the Missouri River and then overland across hundreds of miles of plain and desert to Salt Lake and on to their ultimate destination. Another perplexing problem was that of securing the necessary poles. Much of the territory that had to be traversed contained little native timber and in some cases poles had to be hauled several hundred miles.

While building in the vicinity of Salt Lake City, Creighton was somewhat concerned as to the attitude Brigham Young might assume toward the intrusion of the telegraph into his domain. As chief elder of the Mormons, his word was law throughout the Mormon empire. To win Brigham Young's friendship, the telegraph company asked his son, who was engaged in the lumber business, to submit a bid for furnishing the telegraph poles in that section. His price, which appeared to be reasonable, was promptly accepted and a contract was drawn up accordingly. Some time later the son informed the contractors that his bid on the poles had been too low, and that he was losing money on the job. A new contract was at once made at a higher figure. Not long after the new contract had been drawn up, a messenger came saying that Brigham Young wished to see the telegraph contractor. With considerable apprehension Creighton went to the home of the Mormon leader. Upon being ushered into the library, he introduced himself as the representative of the telegraph company.

"Is it true that my son entered into a contract with you to furnish poles for the telegraph?" inquired Young.

"Yes, sir," replied Creighton.

"Is it also true that the price agreed upon in this contract was subsequently raised?"

Creighton nodded his assent.

"Let me see those contracts," said Young.

Creighton taking the documents from his pocket handed them over. After careful scrutiny Brigham Young crushed the new one in his hand and threw it into the fire.

"The poles will be furnished by my son in accordance with the terms of the original contract," he said.

Gamble had a somewhat similar experience with the Mormon leader. Brigham Young, upon hearing of the failure on the part of the Mormon contractors to supply the specified number of poles denounced the pole contractors from his pulpit and said the work of furnishing poles must be carried out. The contract was accordingly turned over to other parties and the poles supplied.

In crossing desert regions teams with barrels of water had to be kept abreast of the construction gang. In one instance sixteen miles of line were built in one day in order to reach a point where water might be obtained by nightfall.

Still another problem of considerable importance and delicacy was that of gaining the good will of the Indian tribes through whose lands the line was to pass. On the western section of the line, Gamble's friend and associate in the enterprise, James Street, was sent to confer with the leading Indian chiefs west of Salt Lake to gain their support for the project. Shokup, chief of the Shoshones and an influential figure among the western tribes, after listening to Street's careful explanation of the telegraph, expressed great interest in the white man's "wire rope express," as he termed it. Street then invited him to journey to San Francisco and meet the Big Captain (President Horace W. Carpenter). Shokup, having gotten as far as Carson City, however, refused to go any farther, but before returning to his people he dictated the following dispatch: "Shokup, Big Chief of the Shoshones, says to the Big Captain at San Francisco, that his Indians will not trouble the telegraph line. Shokup is a friend of the white man. His people obey him. He will order them to be friendly with the white man and not injure the telegraph. He would like to see Big Captain, but must return to his tribe, and cannot go to San Francisco."

The great chief's ready acceptance of the "wire rope express" quickly disposed the Indians in its favor. To further insure harmonious relations, gifts of food and clothing were made to the Indians, members of the various tribes were employed among the working parties to care for the stock, and a general order was issued by Superintendent Gamble warning that any man of the expedition getting into trouble with the Indians would be summarily dismissed. As a result, there was never any hostility between the construction gangs and the red men on the western division. Even in later years when Indian flare-ups occurred, relations with the telegraph men re-

mained excellent. On the eastern division, unfortunately, there were some exceptions to this happy relationship. . . .

In order that no time should be lost, Hubbard's expedition organized a system. First, the route to be followed by the line was measured and staked off; hole diggers followed; then pole setters; and next the wire party. Even with such efficient organization, the line could not be strung at a rate of more than three to eight miles a day, depending upon the terrain. An advance telegraph station was maintained at the head of the line and each day's progress reported. Thus every day found the operator "occupying a new station, like a wandering Arab." At this advance station, news was received on the arrival of the Pony Express and telegraphed on to San Francisco and other points. Commercial dispatches also were sent and received daily, as the Pony Express arrived or departed from the telegraph camps.

The magnitude of the task had led to a general belief that completion of the line would require at least two years. The work had been so well organized and so energetically pursued, however, that contrary to all expectations, Creighton's eastern section was completed on October 19. Nor was Gamble's party far behind. . . .

. . . The last link in the great transcontinental chain was finally forged on October 24, just six days after Creighton had finished the eastern section. In little more than four months a vast prairie and mountain barrier separating the two sections of the nation was spanned; and isolated California, whose only means of communication with the East had been the slow, hazardous journey over the plains, across the Isthmus, or around the Horn, was in close communication with the Atlantic coast—and that, nearly eight years before President Stanford of the Central Pacific drove the historic gold spike connecting the oceans by rail.

3. MINING IN MONTANA

The search for precious metals, set off by the discovery of gold in California in 1849, continued with slight abatement during the war years. The new supply of gold and silver helped to bolster the paper money and the new national banking system of the North. The efforts of the South to obtain gold and silver in the Southwest were unsuccessful. The record of one such prospector who was operating in the Montana area is given below.¹⁰

¹⁰ Reprinted by permission of the publisher. The

AUGUST 10. [1862] The little village is all astir today. There is a general stampede over the mountains to Powell's new discovery. Some are buying horses, some trading, everybody packing grub and mining tools, each one in a hurry to get out ahead of the rest.

AUGUST 15. Rezin Anderson arrived from the states. . . . We talked nearly all night and then could not relate all that had happened since we parted. He brought letters and news from home. It makes Granville and me homesick, although we enjoy getting all the news and meeting Reece again. We thought he had joined the army.

AUGUST 16. More emigrants arriving en route for Walla Walla. . . .

AUGUST 19. Woody arrived from Hell Gate with a load of vegetables and thirteen chickens. He reports that there has been a good placer gold prospect found in Big Hole valley as much as two dollars and a half to pan of gravel.

AUGUST 20. Considerable excitement about the news that Woody brought about new placer discoveries.

AUGUST 21. Cloudy with a little rain. A number of persons are preparing to go to Big Hole valley to examine the reported placer mines there. On the fourteenth inst., three men arrived at Gold Creek from the lower country. They had six good horses, but very little in the shape of a traveling outfit. One of them . . . had no saddle on the horse he rode, but only some folded blankets strapped on the horse's back in lieu of a saddle. The other two men showed that they were on the gamble and one of them William Arnett, kept his belt and revolver on and rather posed as being a "bad man." The third, C. W. Spillman, was a rather quiet reserved pleasant young man, of about twenty-five years, he being the youngest of the three.

AUGUST 22. Woody, Burr, and several others started for Big Hole on a prospecting tour.

AUGUST 23. I have lost three hundred dollars staking a man to deal monte for me in the past three days. I think I will take Granville's advice and quit gambling.

AUGUST 24. Our monte sharps are about to take the town. Getting decidedly obstreperous in their conduct.

AUGUST 25. Our stranger monte sharps opened a two hundred dollar monte bank and I broke it in about twenty minutes. About four o'clock in the afternoon two men arrived here from Elk City in the Clearwater mountains. They were

Arthur H. Clark Company, from Granville Stuart's *Forty Years on The Frontier*, 1, pp. 217-220, 222, 270-271.

in pursuit of our monte sharps for stealing the horses they rode from that place. One of the arrivals was armed with a double barreled shot gun heavily loaded with buckshot and a Colt's navy revolver. Their names were Fox and Bull. Bull had the gun. They slipped quietly into town in the dusk of the evening and meeting me inquired if the three men above described were there. Upon being informed that they were, they stated that they were in pursuit of them for stealing the horses on which they had come from the vicinity of Elk City. They requested the co-operation of the citizens in arresting them. I assured them that they should have all the assistance necessary and went with them to look for their men. They found Spillman in Worden and Company's store and bringing their shot gun to bear on him, ordered him to surrender, which he did without a word. They left him under guard and went after the other two, who had just opened a monte game in a saloon. Arnett was dealing and Jermagin was "lookout" for him. They stepped inside of the door and ordered them to "throw up their hands." Arnett, who kept his Colt's navy revolver lying in his lap ready for business, instantly grabbed it, but before he could raise it, Bull shot him through the breast with a heavy charge of buckshot, killing him instantly. Jermagin ran into a corner of the room, exclaiming, "Don't shoot, don't shoot, I give up." He and Spillman were then tied and placed under guard till morning.

AUGUST 26. Proceedings commenced by burying Arnett who had died with the monte cards clenched so tightly in his left hand and his revolver in the right that they could not be wrenched from his grasp, so were buried with him. Jermagin plead that the other two overtook him on the trail and gave him a horse to ride and that he had no knowledge of the horses being stolen, and what saved him, was Spillman saying that he and Arnett had found him on the trail packing his blankets and a little food on his back and that they gave him a horse to ride on which he strapped his blankets. On this testi-

mony Jermagin was acquitted and given six hours to leave the country and it is needless to say he left a little ahead of time. Spillman who was a large, fine looking man was found guilty and sentenced to be hung in a half hour. . . .

SEPTEMBER 13. Cold and cloudy. Powell and I went up to some new placer mines on the head of Pioneer creek. Saw some men take out one piece that would weigh a dollar or more. They were working with rockers. Sunday went with a party of comrades to Blackfoot. As there are no churches around here to attend and not even a Sunday school, we passed the time playing poker. Funny how often our little testament gets lost, but we can always dig up a deck of cards any place or anywhere. I lost twenty-three dollars. . . .

About the middle of January, 1864, a regular stampede craze struck Virginia City. The weather had been quite cold and work in the mines was temporarily suspended. A large number of idle men were about town and it required no more than one man with an imaginative mind to start halt the population off on a wild goose chase. Somebody would say that somebody said, that somebody had found a good thing and without further inquiry a hundred or more men would start out for the reported diggings. . . .

Late in the evening on January 22, a rumor started that a big discovery had been made on Wisconsin creek, a distance of thirty miles from Virginia City. The report said that as much as one hundred dollars to the pan had been found; and away the people flew all anxious to be first on the ground, where they could "just shovel up gold." Virginia City was almost deserted: men did not stop for horses, blankets, or provisions, the sole aim was to get there first and begin to shovel it out at the rate of one hundred dollars to the pan. Fortunately the distance was not great and the weather was mild. Robert Dempsey had a ranch nearby and the stampedeers got a supply of beef from him to last them back to town. It is needless to say that they found no diggings and all returned to Virginia [City] in a few days.

IV

Lincoln's Second Inaugural Address

VICTORY FOR THE NORTH was plainly in view by the time of Lincoln's second inauguration. Already, the question of punishment for the rebellious southerners was being discussed.

Should the Unionists, as they had sung during the war, "hang Jeff Davis on a sour apple tree"? Lincoln recognized the problem and the clue to his future actions was given in his inaugural address.¹¹

FELLOW-COUNTRYMEN: At this second appearing to take the oath of the Presidential office there is less occasion for an extended address than there was at the first. Then a statement somewhat in detail of a course to be pursued seemed fitting and proper. Now, at the expiration of four years, during which public declarations have been constantly called forth on every point and phase of the great contest which still absorbs the attention and engrosses the energies of the nation, little that is new could be presented. The progress of our arms, upon which all else chiefly depends, is as well known to the public as to myself, and it is, I trust, reasonably satisfactory and encouraging to all. With high hope for the future, no prediction in regard to it is ventured.

On the occasion corresponding to this four years ago all thoughts were anxiously directed to an impending civil war. All dreaded it, all sought to avert it. While the inaugural address was being delivered from this place, devoted altogether to *saving* the Union without war, insurgent agents were in the city seeking to *destroy* it without war — seeking to dissolve the Union and divide effects by negotiation. Both parties deprecated war, but one of them would *make* war rather than let the nation survive, and the other would *accept* war rather than let it perish, and the war came.

One-eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was somehow the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union even by war, while the Government claimed no right to do more than to restrict the territorial enlargement of it. Neither party expected for the war the magnitude or the duration which it has already attained. Neither anticipated that the

cause of the conflict might cease with or even before the conflict itself should cease. Each looked for an easier triumph, and a result less fundamental and astounding. Both read the same Bible and pray to the same God, and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces, but let us judge not, that we be not judged. The prayers of both could not be answered. That of neither has been answered fully. The Almighty has His own purposes. "Woe unto the world because of offenses; for it must needs be that offenses come, but woe to that man by whom the offense cometh." If we shall suppose that American slavery is one of those offenses which, in the province of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him? Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsmen's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said "The judgments of the Lord are true and righteous altogether."

With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

¹¹ James D. Richardson, ed., *Messages and Papers of the Presidents* (Washington: 1898), VI, pp. 276-277.

The Constitution of the United States of America

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes¹ shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.² The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative, and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Mary-

land six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof,³ for six Years, and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.⁴

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

1. See the Sixteenth Amendment.
2. See the Fourteenth Amendment.

3. See the Seventeenth Amendment.
4. See the Seventeenth Amendment.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.⁵

Section 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at

5. See the Twentieth Amendment.

the Desire of one fifth of those present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; If he approves he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on

the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8. The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures,

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; — And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the

Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No state shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of the Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE II

Section 1. The executive Power shall be vested in a President of the United

States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State have one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.⁶

6. The paragraph is superseded by the Twelfth and the Twentieth Amendments.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes, which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur, and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Law be faithfully executed, and shall Commission all the Officers of the United States.

Section 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;⁷—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE IV

Section 1. Full Faith and Credit shall be given in each State to the public Acts,

7. Restricted by the Eleventh Amendment.

Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect Thereof.

Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.⁸

Section 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE V

The Congress, whenever two thirds of

8. See the Thirteenth Amendment forbidding slavery.

both Houses shall deem it necessary, shall propose Amendments to this Constitution, or on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the

United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth. In witness whereof we have hereunto subscribed our Names,

G^o, WASHINGTON — *President*
and deputy from Virginia

Attest William Jackson *Secretary*

[Other signatures omitted]

AMENDMENTS

ARTICLE I^o

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II

A well regulated militia, being necessary to the security of a free State, the

9. The first ten Amendments became effective in 1791. Two states, Georgia and Massachusetts, failed to ratify at that time, but did so in 1939 as a gesture in behalf of national unity on the subject.

right of the people to keep and bear arms, shall not be infringed.

ARTICLE III

No Soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause supported by oath or affirmation, and

particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ARTICLE VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

The enumeration in the Constitution, of certain rights, shall not be construed to

deny or disparage others retained by the people.

ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI¹⁰

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

ARTICLE XII¹¹

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; — The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; — The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But

¹⁰. Ratification proclaimed January 8, 1798.

¹¹. Ratification proclaimed September 25, 1804. Modified by the Twentieth Amendment.

in choosing the President, the votes shall be taken by states, the representation from each state having one vote, a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. — The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII¹²

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV¹³

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to

any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3 No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

12. Ratification proclaimed December 18, 1865.

13. Ratification proclaimed July 28, 1868.

ARTICLE XV¹⁴

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XVI¹⁵

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

ARTICLE XVII¹⁶

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

ARTICLE XVIII¹⁷ [Repealed, See Article XXI]

Section 1. After one year from the ratification of this article the manufacture, sale or transportation of intoxicating

- 14. Ratification proclaimed March 30, 1870.
- 15. Ratification proclaimed February 25, 1913.
- 16. Ratification proclaimed May 31, 1913.
- 17. Ratification proclaimed January 29, 1919. Repealed by the Twenty-First Amendment.

liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

ARTICLE XIX¹⁸

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XX¹⁹

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meetings shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case

- 18. Ratification proclaimed August 26, 1920.
- 19. Ratification proclaimed February 6, 1933.

wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

ARTICLE XXI²⁰

Section 1. The eighteenth article of amendment of the Constitution of the United States is hereby repealed.

Section 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in vio-

20. Ratification proclaimed December 5, 1933.

lation of the laws thereof, is hereby prohibited.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

ARTICLE XXII²¹

Section 1. No person shall be elected to the office of President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

21. Ratification proclaimed Feb. 26, 1951.

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